Vol. XLIII—No. 2

Council Proceedings

Official Report

Bengal Legislative Council

Forty-third Session, 1934

31st January to 1st February and 5th to
9th February, 1934.

Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1934

Published by the Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal

Agents in India.

Messrs. S. K. Lahiri & Co., Printers and Booksellers, College Street, Calcutta.

Messrs. Thacker, Spink & Co., Calcutta.

Customers in the United Kingdom and the Continent of Europe
may obtain publications either direct from the High Commissioner's office
or through any bookseller.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Colonel the Right Hon'ble Sir JOHN ANDERSON, P.C., G.C.B., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir PROVASH CHUNDER MITTER, K.C.S.I., C.I.E., in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.
5. Legislative.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, KT., of Dilduar, in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

The Hon'ble Mr. J. A. WOODHEAD, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

The Hon'ble Mr. R. N. REID, C.I.E., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.
7. Hazaribagh Reformatory School.

MINISTERS.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble Mr. KHWAJA NAZIMUDDIN, C.I.E., in charge of the following portfolios:—

1. Education.
2. Registration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, KT., in charge of the following portfolios:—

1. Local Self-Government.
2. Excise.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh.

DEPUTY PRESIDENT.

Mr. RAZAUR RAHMAN KHAN, B.L.

Panel of Chairmen for the Forty-third Session.

1. Mr. W. H. THOMPSON.
2. Babu JATINDRA NATH BASU.
3. Khan Bahadur MUHAMMAD ABDUL MOMIN.
4. Mr. NARENDRA KUMAR BASU.

Secretary to the Council—J. W. McKAY, I.S.O.

Assistant Secretary to the Council—Mr. K. ALI AFZAL, Bar.-at-Law.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur. [Dacca City (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Armstrong, Mr. W. L. [Presidency and Burdwan (European).]
Ashworth, Mr. C. G. [Presidency and Burdwan (European).]

B

Baksh, Maulvi Shaikh Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Babu Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Rai Sahib Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banarji, Rai Bahadur Sailendra Nath. (Expert, Nominated.)
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
*Barman, Babu Prembari. [Dinajpur (Non-Muhammadan).]
Basir Uddin, Khan Sahib Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Birkmyre, Mr. H. (Bengal Chamber of Commerce.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]
Bottomley, Mr. J. M. (Nominated Official.)
Burn, Mr. H. H. (Bengal Chamber of Commerce.)

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]

---

*Oath taken on the 31st January, 1924.

Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)

Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]

Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]

Chaudhuri, Maulvi Syed Osman Haider. [Tippera North (Muhammadan).]

Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]

Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]

Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]

Cohen, Mr. D. J. (Nominated Non-official.)

D

Dain, Mr. G. R., C.I.E. (Bengal Chamber of Commerce.)

Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]

Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]

Dutt, Mr. G. S. (Nominated Official.)

Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Edgley, Mr. N. G. A. (Nominated Official.)

Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur. [Minister.] [Tippera South (Muhammadan).]

Fawcus, Mr. L. R. (Nominated Official.)

Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]

Ferguson, Mr. R. H. [Rajshahi (European).]

G

Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]

Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)

Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, KT., of Dilduar. (Member, Executive Council.)

Gilchrist, Mr. R. N. (Nominated Official.)
Gladding, Mr. D. (Nominated Official.)
Goenka, Rai Bahadur Sir Badridas, KT., C.I.E. (Bengal Marwari Association.)
Goil, *Col. D. P., M.B., C.H.B., F.R.C.S. (EDIN.). (Expert, Nominated.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]
Gupta, Rai Bahadur Mahendra Nath. (Expert, Nominated.)

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Hogg, Mr. G. P., C.I.E. (Nominated Official.)
Hooper, Mr. G. G. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Huq, Mr. A. K. Fazl-ul [Bakarganj West (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Khan Bahadur Maulvi Muazzam Ali. [Pabna (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
Kindersley, Mr. J. B. (Expert, Nominated.)

L

Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Lockhart, Mr. A. R. E. [Presidency and Burdwan (European).]

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]

---

*Deputy President, Bengal Legislative Council.

Martin, Mr. O. M. (Nominated Official.)
Mason, Mr. G. A. (Indian Jute Mills Association.)
McCluskie, Mr. E. T. (Anglo-Indian.)
Miller, Mr. C. C. (Bengal Chamber of Commerce.)
Mitter, the Hon'ble Sir Provash Chunder, K.C.S.I., C.I.E. (Member, Executive Council.)
Mitter, Mr. S. C. (Nominated Official.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Momin, Khan Bahadur Muhammad Abdul. [Noakhali East (Muhammadan).]
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Reverend B. A. (Nominated Non-official.)
Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nandy, Maharaja Sris Chandra, of Kassimbazar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Mr. Khwaja, C.I.E. [Minister.] [Bakarganj South (Muhammadan).]
Nicholl, Mr. C. K. (Indian Tea Association.)
Norton, Mr. H. R. (Calcutta Trades Association.)

P

Paul, Sir Hari Sanker, KT. [Calcutta South (Non-Muhammadan).
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]

Q

Quasem, Maulvi Abul [Khulna (Muhammadan).]

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Mr. A. F. M. Abdur-. [24-Parganas Rural (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
*Ray Chaudhuri, the Hon'ble Raja Sir Manmatha Nath, KT., of Santosh. (Dacca Landholders.)
Ray Chowdhury, Mr. K. C. (Nominated Non-official.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Reid, the Hon'ble Mr. R. N., C.S.I., C.I.E. (Member, Executive Council.)
Ross, Mr. J. B. (Indian Mining Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, the Hon'ble Sir Bijoy Prasad Singh, KT. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy, Mr. S. N., C.I.E. (Nominated Official.)
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sarker, Rai Bahadur Rebati Mohan. (Nominated Non-official.)
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]

* President of the Bengal Legislative Council.

Sen, Mr. B. R. (Nominated Official.)
Sen, Rai Bahadur Jogesh Chandra. [24-Parganas Municipal South (Non-Muhammadan).]
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Steven, Mr. J. W. R. [Dacca and Chittagong (European).]
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]
Sumner, Mr. C. R. (Bengal Chamber of Commerce.)

T

Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Townend, Mr. H. P. V. (Nominated Official.)

W

Walker, Mr. W. A. M. (Indian Jute Mills Association.)
Wilkinson, Mr. H. R., C.I.E. (Nominated Official.)
*Williams, Mr. A. deC., I.C.S. (Nominated Official.)
Woodhead, the Hon'ble Mr. J. A., C.I.E. (Member, Executive Council.)

*Oath taken on the 14th February, 1934.

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

(Official Report of the Forty-third Session.)

Volume XLIII—No. 2.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 31st January, 1934, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 109 nominated and elected members.

Oath or Affirmation.

The following member made an affirmation of his allegiance to the Crown:—

Babu Premhari Barman.

Introduction of Mace.

Mr. PRESIDENT: Gentlemen of the Council, one of my cherished wishes has been realised to-day. I have at last been able to introduce a Mace in this august body. I have striven hard all these seven years that I have been your President to assist the Council in establishing Parliamentary traditions within the sphere of its influence and activities. By the introduction of a Mace in this Council we have definitely taken a step forward in that direction; for, all modern Maces have their progenitor in the historic Parliamentary Mace. I have always attached the greatest importance to the Mace as a symbol of authority of the House and through the House of its President. For three years I have been untiring in my efforts to get it. I am profoundly grateful to His Excellency the Governor for the encouragement and support I received

his hands when I renewed my endeavour to crown these efforts with success, some time after his assumption of the exalted office which he adorns. His Excellency's characteristic adherence to constitutional principles strikingly manifested itself in his action culminating in the creation of a self-contained and autonomous Council Department in Bengal. His approval of the Mace, which now lies before me and which will, God willing, add to the dignity of this House, is sure to go down to posterity as another unmistakable index of His Excellency's genuine regard for Parliamentary traditions. Bengal has reasons to rejoice over this.

On the other hand, I am not unmindful of the generous assistance of those members of the Council who subscribed to the "Sir Stanley Jackson Council Memorial Fund," as it was their wholehearted consent which enabled me to devote, with the concurrence of my chief, a portion of that fund, to the making of a Mace for the Bengal Legislative Council.

The association of Sir Stanley Jackson's name with our Mace yields to me inward satisfaction and natural gratification, as it will commemorate his beneficent administration as Governor in Bengal. A just and sympathetic ruler, a sportsman in the real sense of the term, and a true friend of Bengal—the fragrant memory of his five eventful years in Bengal fully deserve to be kept alive.

Gentlemen of the Council, I hope and trust that you will take pride in this beautiful and majestic emblem and resolve to protect its glory and dignity. I fully believe that you will zealously guard its prestige, which is after all your own prestige. The modern tendency in most countries of the world is to revolt from the traditions of the past; but, fortunately the people of India, like the people of England, are still for conserving old customs. In these two great countries from time immemorial a Mace is borne before persons in authority as an emblem of justice—it is sitll believed to stand for something intellectual, moral or spiritual. It is a historic analogy between the two peoples and it is, perhaps, not too much to expect that both British and Indian members of this House will not fail to stand together as defenders of the Mace, which it is my proud privilege to commit to their care to-day.

In any case, the present Legislatures in India have been shaped after the model of the British Parliament, and by our Mace we are engrafting in our soil one of the oldest traditions of the Mother of Parliaments, where the Mace is taken not only as a symbol of Mr. Speaker's authority, but also as a sign that the House is properly constituted for its own proceedings. Whatever conception one may have for its use, it is my hope that, when we see it, it will always remind us that in our deliberations, as men in power, we should work with due regard to constituted authority and for the triumph of justice and right—truth and constitutionalism.

STARRED QUESTIONS

(to which oral answers were given)

Management of the Gangamandal estates by Official Receiver.

*21. **Babu KHETTER MOHAN RAY:** (a) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(i) whether he is aware that the estates left by late Raja Raj Krishna Deb Bahadur of Shovabazar have ever since the institution of the equity suit in 1836 been under the management of the Official Receiver under the orders of the Hon'ble High Court;

(ii) what are the total assets of those estates;

(iii) whether it is a fact that ever since the assumption of the management of the Gangamandal zamindari and other estates by the Official Receiver, the system of management introduced by him has been to let out the estates in one block in farms for short terms, and the lessees in turn have been subletting the same in small parcels for shorter terms to local men (*darijaradars*) who again have been subletting their parcels to *katijaradars*; and

(iv) whether this system is still in vogue?

(b) Has the Hon'ble Member any report as to the effect of the system of short term *ijaras* and sub-leases on the interests of the tenants?

(c) Is it not a fact that the number of tenants under the Gangamandal estates is over fifty thousand?

(d) Is the Hon'ble Member aware that Mr. W. H. Thompson, Settlement Officer, Tippera and Noakhali, has, in his report at pages 160-163, drawn the attention of the Government to the deplorable condition of the tenants due to the *ijara* system?

(e) Have the Government taken any steps to put an end to the *ijara* system?

(f) Have the Government drawn the attention of the Hon'ble High Court to this system of management? If so, with what results?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (a) (i) Yes.

(ii) The total assets of the estates in the hands of the Official Receiver belonging to the estate of Raja Raj Kissen are: Claim for

Rs. 1,16,093-9-6 in suit No. 1832 of 1930 in the Calcutta High Court against the lessees Maharaj Kumar Dharendra Krishna Deb Bahadur and others, and also another claim for Rs. 4,32,364-3-8 in suit No. 780 of 1932 in the Calcutta High Court against Maharaj Kumar Dharendra Krishna Deb Bahadur and others, which is still pending. There is a debit balance of about Rs. 21,000 in the books of the Official Receiver and a further sum of Rs. 15,000 as the balance due to the mortgagee.

(*iii*) and (*iv*) Yes.

(*b*) There is a report by Mr. W. H. Thompson, I.C.S., Settlement Officer, Tippera and Noakhali.

(*c*) and (*d*) Yes.

(*e*) No.

(*f*) Yes. On the 23rd February, 1901, the Hon'ble the Chief Justice, the Hon'ble Mr. Justice Ghose, the Hon'ble Mr. Justice Hill, the Hon'ble Mr. Justice Rampini and the Hon'ble Mr. Justice Stevens held that as the suit in the course of which the estate has been placed in the hands of a Receiver is a pending suit, they do not feel justified in taking action in the matter until moved to do so by the parties to the suit themselves.

The parties to the suit did not move at all.

Babu KHETTER MOHAN RAY: With reference to answer (*a*) (*iv*), is the Hon'ble Member aware that suit No. 1832 of 1930 was instituted as far back as 1836 and that it is still pending?

The Hon'ble Sir PROVASH CHUNDER MITTER: I should like to have notice of this question, though I am prepared to accept the information furnished by the hon'ble member.

Babu KHETTER MOHAN RAY: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether Government have considered the report of Mr. Thompson, who was Settlement Officer of Tippera and Noakhali, and in which he refers to the condition of the tenantry in the Gangamandal estates?

The Hon'ble Sir PROVASH CHUNDER MITTER: I believe the then Government did consider the question.

Expenditure on Irrigation schemes in Chittagong.

***22. Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether any money was spent for any irrigation schemes in Chittagong within the last 20 years?

(b) If the answer to (a) is in the affirmative, what are those schemes and what amount has been spent on each such scheme?

(c) If nothing has been spent on irrigation schemes in Chittagong, what are the reasons?

(d) Will the Hon'ble Member be pleased to lay on the table a statement showing for the last ten years what amounts have been spent, district by district, in the several districts of Bengal?

(e) Has any inquiry been started to ascertain the fact that the paddy has been destroyed by saline water getting into lands by certain rivers of Chittagong this year?

*(f) If the answer to (e) is in the affirmative, will the Hon'ble Member be pleased to state the names of those rivers?

(g) If no inquiry has yet been made, what are the reasons for not doing so?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim Chuznavi, of Dilduar): (a) No.

(b) Does not arise.

(c) Because there has been no reported demand for it, probably owing to the fact that the rainfall in Chittagong is regular, well distributed and sufficient for ordinary cultivation.

(d) It is impossible to quote the expenditure on irrigation schemes, during the past 10 years, district by district, as the Irrigation Department works are undertaken by Irrigation Department divisions, and such divisions overlap several civil districts, and in some cases a division includes a part or the whole of several civil districts.

(e) No.

(f) Does not arise.

(g) No inquiry has been made for the reason that Government have received no information about the destruction of paddy by saline water in Chittagong.

Distribution of quinine in Bankura.

*22. **Babu SATYA KINKAR SANANA:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(i) the amount of quinine that was sent to the district of Bankura during the current year for free distribution; and

(ii) the process and agency for the distribution of the same?

(*b*) Is the Hon'ble Minister aware of the inconvenience of the patients owing to the vastness of the distribution areas and the distance of many villages from the distribution centres?

(*c*) Are the Government considering the desirability of a more decentralized method of distribution through the union boards working directly under the supervision of the Sanitary Inspectors and the Sanitary Officers?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) 200 lbs. quinine sulphate tablets and 72 lbs. of quinine sulphate powder, worth Rs. 4,400.

(*ii*) 100 lbs. of tablets and 72 lbs. of powder were sent for distribution through the Civil Surgeon to charitable dispensaries and hospitals, and 100 lbs. of tablets were sent to the district board for distribution through their staff, through anti-malarial societies, and through presidents of union boards.

(*b*) Many villages are far from dispensaries, but the inspectors in charge of health units can distribute quinine in affected villages while on tour.

(*c*) The details of distribution otherwise than through dispensaries are for the District Board to decide.

Maulvi ABUL QUASEM: Will the Hon'ble Minister be pleased to state if quinine sulphate tablets and quinine powders were sent to every district in Bengal or simply to the district of Bankura only?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, to every district in Bengal.

Babu SATYA KINKAR SAHANA: Is the Hon'ble Minister aware of the fact that 200 lbs. of quinine sulphate tablets and 72 lbs. of quinine sulphate powders fell far short of the requirements of the district, which is so very poor, and where malaria is rampant?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I may inform the member that this is the contribution of Government: the district board are also expected to spend some money on quinine distribution out of their own funds.

Babu SATYA KINKAR SAHANA: May I inquire, Sir, whether the Hon'ble Minister will consider the case of Bankura in the next allotment of funds for the distribution of quinine?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It would be considered along with the claims of other districts of Bengal.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Minister aware that quinine used to be distributed through other agencies than the one mentioned in the answer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am afraid I do not know of any other agency.

Bharasangu-Peshkarhat Khal scheme.

*24. **Haji BADI AHMED CHOWDHURY:** Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) how long the inquiry has been going on in Chittagong for excavating the *khal* from Bharasangu to Peshkarhat;

(*ii*) what is the scheme;

(*iii*) what is the estimated amount;

(*iv*) whether recently a report was again called for from the District Officer;

(*v*) what report he has submitted; and

(*vi*) whether the work of the said scheme will be taken up in the near future?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: (*i*) For the last four years.

(*ii*) Various schemes have been examined by the officers of the Irrigation Department, viz: (*a*) a combined scheme for improving navigation and drainage, (*b*) a purely drainage scheme for the swamped area of about 5¼ square miles, and (*c*) a separate navigation scheme. In the opinion of the Chief Engineer, Bengal, Irrigation Department, scheme (*a*) is not feasible. He suggested that the District Officer might be consulted as to the possibility of any of the alternative schemes being financed locally.

(*iii*) The cost of these schemes is approximately Rs. 1,00,000, Rs. 50,000 and Rs. 2,50,000, respectively.

(*iv*) Yes.

(*v*) The District Officer has reported that the alternative schemes cannot be financed locally.

(*vi*) It has been decided by Government that in view of the financial condition of the province the scheme cannot be taken up by Government at present and that the scheme will be considered when the financial condition of the province improves.

P. W. D. contract works.

*25. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state whether there is any Government notification or order to the effect that the father of any *détenu* should not be given any P. W. D. contract works?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of revising their orders in the case of those unfortunate persons who were loyally and faithfully doing such works for a long time?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur): (*a*) No.

(*b*) Does not arise.

Partition of Gangamandal estate in Tippera.

*26. **Babu KHETTER MOHAN RAY:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the Gangamandal and other revenue-paying estates under the Official Receiver had only in 1926 been sent to the Collector of Tippera for partition in accordance with the provisions of the Bengal Estates Partition Act?

(*b*) How many of these estates are finally partitioned?

(*c*) Will the Hon'ble Member be pleased to state whether the possession of the estates finally partitioned has been delivered to the proprietors? If not, why not?

(*d*) How long will it take to complete the partition of the Gangamandal estate, Mauza No. 59 of Tippera Collectorate?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) Five.

(*c*) No. The Collector made a reference to the Registrar of the High Court on 8th August, 1931, whether the delivery of possession should await disposal of the equity suit or not. The Registrar replied on 20th July, 1932, that the parties must move the High Court for an order, but neither the parties nor the Official Receiver seem as yet to have succeeded in getting a definite order.

(*d*) It is expected that the partition will be completed by April, 1935.

Babu KHETTER MOHAN RAY: With reference to answer (*c*), will the Hon'ble Member be pleased to state whether it is necessary to refer to the High Court or to the Board of Revenue for the possession of estates which have been finally partitioned and have been delivered to the proprietors?

The Hon'ble Sir PROVASH CHUNDER MITTER: That is a matter for lawyers to advise, but in view of what I have said in answer (*c*), I am inclined to think that it would be necessary.

Irrigation works in Bankura.

*27. **Babu SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that there are no irrigation canals in the district of Bankura;

(*ii*) that before the ceding by the Nawab of Murshidabad to the East India Company of the lands now comprising the Bankura district there were many families of chiefs who had excavated thousands of bunds and tanks all over the tract for agricultural irrigation;

(*iii*) that after the decadence of those ancient families those bunds and tanks fell in the hands of other people and are now in a deplorable condition?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Member be pleased to state what steps the Government have taken or have been contemplating for the improvement of those bunds and tanks?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: (*a*) (*i*) There are two irrigation canals, viz., the Salbund and the Amjore irrigation works.

(*ii*) and (*iii*) Yes.

(*b*) During famines of 1915, 1916 and 1919, 88 irrigation tanks and bunds and 9 irrigation channels were re-excavated or constructed by Government, and in recent years the Co-operative Department have organised societies to deal with 343 tank and bund schemes. The question of further improving tanks and bunds in the district of Bankura is also under the consideration of Government, and meanwhile the Collector of Bankura is taking steps to improve tanks and bunds by voluntary method and by organising Irrigation Societies on a co-operative basis.

Dr. AMULYA RATAN GHOSE: With reference to answer (*b*), will the Hon'ble Member be pleased to explain what he means by the expression "voluntary method," mentioned in the penultimate line?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: The expression is quite clear and is self-explanatory. "Voluntary method" is voluntary method, that is where people come forward to help Government voluntarily.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state whether he is prepared to put the Collector of Bankura in funds for the purpose of improving the tanks and bunds?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: That question has not been considered.

Sradh ceremony of the mother of détenu Babu Romesh Chandra Chowdhury.

*28. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact—

(*i*) that the mother of Babu Romesh Chandra Chowdhury, a détenu at Taldangra in Bankura, died on or about the 1st Kartic last;

(*ii*) that the deceased lady was the wife of late Prasanna Chandra Chowdhury of Bajitpur (Mymensingh) who was an Honorary Magistrate, Chairman, Bajitpur Municipality, and leader of the Bajitpur Bar;

(*iii*) that Romesh Babu is the only surviving son of his mother;

(*iv*) that he applied to Government for permission to go home and perform the sradh ceremony of his mother; and

(*v*) that Government refused to grant the permission?

(*b*) When did Romesh Babu make the application and when did he receive the reply?

(*c*) Is it a fact that Romesh Babu then applied to Government to make arrangement for the performance of the sradh of his mother at Taldangra?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government made the necessary arrangements? If not, why not?

(*e*) Is it a fact that no priests are available at Taldangra and priests have to be brought from outside places for the performance of ceremonies like sradh?

(f) If the answer to (e) is in the affirmative, will the Hon'ble Member be pleased to state—

(i) whether Romesh Babu was allowed any facility for bringing priests from outside to perform the sradh in jail; or

(ii) whether he is still observing the usual Hindu mourning rites for failing to perform his mother's sradh?

(g) If the answer to (f) (ii) is in the negative, for what period after his mother's death did he do so?

(h) Has Romesh Babu's mother's sradh been performed up till now?

(i) If the answer to (h) is in the affirmative, when and where was it performed and at whose expense?

(j) Is the Hon'ble Member aware that according to Hindu faith non-performance of sradh is a great sin and is likely to wound the religious sentiments of Hindus deeply?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (a) (i) Yes.

(ii) The deceased lady was the wife of the late Prasanna Chandra Chowdhury of Bajitpur, Mymensingh. Government have no information as to the positions held by this gentleman before his death.

(iii) This appears to be the case.

(iv) No.

(v) and (b) Do not arise.

(c) In a petition dated 22nd October, 1933, the détenu reported that his mother had died on the 18th and asked for permission to perform the sradh ceremony at Taldangra, and for the payment of the necessary expenses.

(d) The détenu was informed by the local authorities that a priest could be made available for the ceremony, and one actually came from a neighbouring village for the purpose. The détenu did not, however, avail himself of his services, as in accordance with their usual practice in dealing with détenus in village domicile, Government refused to pay the expense.

(e) Yes.

(f) (i) See (d) above.

(ii) No.

(g) 33 or 34 days.

(h) No.

(i) Does not arise.

(j) In the present case the responsibility rests upon the détenu.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state what allowance this detenu gets?

The Hon'ble Mr. R. H. REID: Sir, that is a point on which Government decline to furnish any information.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member in a position to say whether the allowance which this detenu gets is sufficient enough to leave him a surplus after incurring his usual expenses?

The Hon'ble Mr. R. N. REID: I have no reason to believe to the contrary.

Dr. NARESH CHANDRA SEN GUPTA: Has the Hon'ble Member any idea of the costs of a sradh ceremony?

The Hon'ble Mr. R. N. REID: Sir, I should like to have notice of this question.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Chittagong Chemical Industries Company, Ltd.

11. Haji BADI AHMED CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to state whether there is any Limited Company named Chittagong Chemical Industries, Ltd., in Chittagong?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) when was it registered;

(*ii*) whether the Company is functioning now; and

(*iii*) whether the Company is submitting annually its audit report and other legal requirements?

(*c*) If the answer to (*b*) (*iii*) is in the negative, what steps, if any, has the Registrar taken in the matter?

(*d*) If the said Company is not functioning now, will the Hon'ble Member be pleased to state for how long it has ceased to function?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) Yes.

(*b*) (*i*) On the 7th July, 1924.

(*b*) (*ii*) *Vide* (*d*) below.

(*b*) (*iii*) The latest documents, filed on the 1st April, 1932, are the following—

(1) Balance-sheet as at 31st March, 1929.

(2) The annual list of members and summary of share capital made up to 21st June, 1930.

Nothing was filed during 1933.

(*c*) Prosecutions were instituted in the Court of the Chief Presidency Magistrate, Calcutta, in January, 1933, against the Company, its Managing Agents and one of the Directors, under sections 32 (4) and 134 (4) of the Indian Companies Act, for defaults in filing balance-sheets for 1930 and 1931 and the annual list of members and summary of share capital due to be filed in 1931 and 1932. The repeated summonses and warrants, sent to the District Magistrate, Chittagong, were, however, returned unserved and unexecuted, as neither the Company nor the accused persons could be traced. After ten adjournments and the issue of proclamations on two occasions for the arrest of the accused persons, the cases stand adjourned *sine die*.

(*b*) (*ii*) and (*d*) Government have no definite information as to whether the Company is now functioning or not.

Holiday for Jummatul Alwada.

12. Mr. A. F. M. ABDUR-RAHMAN: (*a*) Is the Hon'ble Member in charge of the Finance Department aware—

(*i*) that the Government of the Punjab have granted a holiday to the Muslim members on the last Friday of the month of Ramzan to be called as a holiday for "Jummatul Alwada"; and

(*ii*) that the Jummatul Alwada or the congregational prayer on the last Friday of the month of Ramzan is reckoned to be a very sacred prayer by the Muhammadan subjects of His Majesty's Government in Bengal as well?

(*b*) Are the Government considering the desirability of granting a holiday on the last Friday to the Muhammadan subjects of His Majesty's Government in Bengal for the observance of the sacred rites of their religion?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) (*i*) No.

(*ii*) Yes.

(*b*) No, in view of the fact that permission to be absent during Jumma prayer hours on every Friday is already given to Muhammadan officers.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state whether he is aware of the fact that in the provinces of Delhi and the Punjab the Jummatul Alwada is observed as a holiday?

The Hon'ble Mr. J. A. WOODHEAD: I do not know, Sir.

Maulvi ABUL KASEM: On a point of order, Sir, I beg to submit that it is the duty of the Members of Government to make inquiries for enlightening the members of this Council.

Mr. PRESIDENT: Order, order. I cannot allow a discussion on an answer given. If you are not satisfied with the answer and want to have any further information, the proper course for you would be to put in more supplementary questions.

Sub-Registry offices of the 24-Parganas district.

13. Mr. A. F. M. ABDUR-RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state--

(*i*) the number of the Sub-Registry offices in the district of the 24-Parganas closed down during the year 1933, as a result of the recommendations of the Retrenchment Committee; and

(*ii*) how the territorial divisions of the abolished Sub-Registry offices were distributed?

(*b*) Did the Government consider the geographical position and the administrative conveniences in distributing the territorial divisions of the abolished Sub-Registry offices while amalgamating them with the jurisdiction of other offices in the district?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) (*i*) Two.

(*ii*) The member is referred to notifications Nos. 670Regn., dated the 13th September, 1933, and 895Regn., dated the 29th November, 1933, which were published in the *Calcutta Gazette* of September, the 28th, and December 7th, 1933, respectively.

(*b*) Yes.

Court of Wards and khas mahal estates.

14. Maulvi MUHAMMAD FAZLULLAH: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that realisations in the form of nazar, salami, hishabana, peada, baje kharacha, etc., are made from the tenants of the Court of Wards estates and khas mahals of the province; and

(*ii*) that the practice of such realisation has remained the same as when the Court of Wards estates were under the management of the zamindars themselves?

(*b*) Do the Government contemplate taking measures for the abolition of the practice? If so, what measures?

(*c*) Are the Government considering the desirability of appointing a committee with official and non-official members of this Council to investigate and report on this matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) and (*a*) No such case has come to the notice of Government.

(*b*) No special measures are contemplated as all illegal realisations are forbidden in Court of Wards estates and in Government khas mahals.

(*c*) No

Ahsanulla School of Engineering, Dacca.

15. Maulvi ABDUL GHANI CHOWDHURY: Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the mistries of the Ahsanulla School of Engineering, Dacca, have not as yet received any reply from the Director of Public Instruction, Bengal, to their application, dated April, 1931, for being made permanent; and

(*ii*) that there are permanent mistries of the Government School of Art, Calcutta, Dacca Collegiate School, Dacca Intermediate College, etc.?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*i*) Yes, the mistries submitted to the Director of Public Instruction an advance copy of their petitions, but as the governing body of the Institution, who first considered the matter, did not forward the petitions to him and as they further stated that the matter should be dropped, the Director of Public Instruction did not consider it necessary to send any reply.

(*ii*) Yes.

Process-servers.

16. Maulvi MUHAMMAD HOSSAIN: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing separately for the years 1932 and 1933—

(*i*) the number of posts of process-servers and ministerial officers in the civil courts of Bengal abolished as a matter of retrenchment;

(*ii*) the number amongst the process-servers thus discharged, who were granted pension or gratuity when they left their services; and

(*iii*) the number of process-servers thus discharged who were not given anything in consideration of their past services?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. R. N. Reid):

		Process-servers.	Ministerial officers.
(*i*) 1932	.. ..	156	34
1933	.. ..	101	19
(*ii*) 1932	.. ..	132	..
1933	.. ..	94	..
(*iii*) 1932	.. ..	24	Of these, one died before his pension was sanctioned and twenty-three were not entitled to any pension or gratuity as they had not completed five years' permanent service under Government.
1933	.. ..	7	Of these, the cases of four are awaiting decision as to whether they will be entitled to any pension or gratuity; one died before his pension was sanctioned and two are entitled to gratuities but have not yet applied for them.

Classification of certain prisoners.

17. Babu SUK LAL NAG: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that Dr. Indranarayan Sen Gupta, Sj. Charu Chandra Bhandari, M.A., B.L., and Sj. Kshitish Chandra Das Gupta, who were convicted by a Magistrate in the 24-Parganas district, are still in jail?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state in what jail or jails they are at present and in what division they have been placed?

(*c*) Is it not a fact that the said Dr. Indranarayan Sen Gupta was in Government service before 1921?

(*d*) If the answer to (*c*) is in the affirmative, in what capacity he used to serve the Government?

(*e*) Is it a fact that he was sometimes acting as a Civil Surgeon?

(*f*) Is the Hon'ble Member aware that Sj. Charu Chandra Bhandari, M.A., B.L., was the Chairman of the Diamond Harbour local board for about 3 years?

(*g*) Had any of the persons named in (*a*) any previous conviction?

(*h*) If the answer to (*g*) is in the affirmative, in what divisions were they then placed?

(*i*) Are the Government considering the desirability of revising the classification of the abovementioned prisoners?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*) Dr. Indranarayan Sen Gupta is in the Alipore Central Jail, and the other two prisoners in the Hijli Additional Special Jail. They are all in Division III.

(*c*) Yes.

(*d*) Civil Assistant Surgeon.

(*e*) No.

(*f*) Yes.

(*g*) Yes, all three.

(*h*) Dr. Indranarayan Sen Gupta, in Division I in 1930 and 1932, Babu Charu Chandra Bhandari, in Divisions I and II in 1930 and 1932 respectively, and Babu Kshitish Chandra Das Gupta, in Division I in 1930.

(*i*) Unless the prisoners desire any reclassification by submitting representations on the subject no action is proposed. I would invite the attention of the member to my answer to starred question No. 55 asked by Dr. Naresh Chandra Sen Gupta on the 12th August, 1932.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether these prisoners were placed in Division III under the orders of Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: These cases never came up before the Government.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state as to who was responsible for placing these prisoners in Division III?

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, so far as I remember, it is the Magistrate who did so in the usual performance of his duties.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state how can he justify his two answers? He first said—

Mr. PRESIDENT: That is not a question.

Mr. SHANTI SHEKHARESWAR RAY: Does the Hon'ble Member still stick to his first answer, viz., that these cases did not come up before Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes.

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Criminal Law (Amendment) Bill, 1934.

The Hon'ble Mr. R. N. REID: Sir, I beg to move for leave to introduce a Bill to supplement the Criminal Law in Bengal.

Mr. NARENDRA KUMAR BASU: Sir, I object.

Mr. NARENDRA KUMAR BASU: Sir, I beg to submit that the Hon'ble Member in charge of the Bill did not offer any arguments while introducing it and, therefore, Sir, I oppose the Hon'ble Member's motion.

Mr. W. H. THOMPSON: On a point of order, Sir. Can Mr. Basu speak again since he has objected?

Mr. PRESIDENT: The President may, if he thinks fit, allow the Member in charge to make a brief statement in support of his Bill as also the member who opposes it. Mr. Basu is, therefore, in order and he has my permission to make a brief statement, giving reasons for his opposition.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, I was absolutely sure that this sort of frivolous objection to my speaking would be raised. I was also sure that you, Sir, would support the rules of the

House and not interfere. However, my submission very shortly is this, that this Council has been adding powers after powers to the Local Government for the purpose of grappling more effectively with the terrorist movement. My submission is that the Government have not produced before this House any evidence to show that the powers that they have already got they have used in order to grapple with the movement. My submission is that what they have done up till now is not to grapple with the terrorists movement in the proper way in the exercise of the powers given to them by this Council, but to add to the number of terrorists by the way they have administered these Acts. They have not brought forward any evidence before the House to show that these new powers, which I believe, are unknown to any system of jurisprudence anywhere in the world, in spite of the pronouncement made in certain papers, are needed. I repeat that this sort of powers is unknown in any portion of the civilized world, and I submit that no case has been made out by Government to justify the introduction of this Bill, which will create more evils than it can possibly cure.

The motion that leave to introduce the Bengal Criminal Law (Amendment) Bill, 1934, be granted was then put and agreed to.

(The Secretary then read the short title of the Bill.)

The Hon'ble Mr. R. N. REID: I beg to move that the Bengal Criminal Law (Amendment) Bill, 1934, be referred to a Select Committee consisting of—

(*1*) Reverend B. A. Nag,
(*2*) Rai Sahib Sarat Chandra Bal,
(*3*) Babu Jitendralal Bannerjee,
(*4*) Rai Bahadur Kamini Kumar Das,
(*5*) Khan Bahadur Maulvi Azizul Haque,
(*6*) Khan Bahadur Muhammad Abdul Momin,
(*7*) Mr. W. H. Thompson,
(*8*) Mr. Narendra Kumar Basu,
(*9*) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
(*10*) Maulvi Abul Kasem,
(*11*) Mr. S. N. Roy, C.I.E.,
(*12*) Mr. N. G. A. Edgley,
(*13*) Mr. G. P. Hogg, and
(*14*) the mover,

with instruction to submit their report within eleven days from the date on which this motion is carried in Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, when in August, 1932, I introduced before this House the Bengal Suppression of Terrorists Outrages Bill I gave the House by way of proof of the necessity of stronger measures against terrorism a list of seven serious outrages of murderous character that had occurred in the previous eight months. To-day, fortunately, there is no such long list to refer to. Murders there have been; outrages there have been. There was the murder of Mr. Burge in Midnapore in September last. There was then the murderous attempt in Chittagong on the 7th of this month which, but for the alertness and courage of the Superintendent of Police, would almost have resulted in a ghastly tragedy. There have been other outrages—the dacoity at Hili in last October and other outrages of a less serious character. But on the whole it may be said that the authorities have been successful in preventing revolutionary outrages on a widespread scale. In fact, the general position, I think it may be claimed as regards terrorism to-day, is decidedly better than it was a year ago. I would qualify that in two directions. One is that experience has shown that the law should be strengthened as regards terrorism and the other is that recruitment to the ranks of the terrorists is still going on. That there have not been more numerous and serious outrages is due to the fact that we are getting better information and thereby we are able to frustrate the designs of the enemy and that the vigilance of our police is able to deny the terrorists the opportunities that they are ever seeking. That, so far, is to the good, but it is only one side of the picture. There is the other gloomy side of the picture, and that is that recruiting is still going on, that there are apparently any number of evil and misguided men who are busy demoralising the youth of the country and teaching to immature susceptible minds the cult of the bomb and the pistol. So long as that is going on we cannot for a moment regard the situation with complacency or venture to relax our efforts in the struggle. It is this disquieting situation which has led Government to review the position not so very long ago and examine its equipment versus terrorism, and the result of that examination of the position is the present Bill. I want nobody in this House to be under any illusion as to what the situation is. We are confronted with a very big and dangerous conspiracy, and it is, I regret to emphasise this, as a growing conspiracy. Outwardly I think things are better, but so long as recruitment is going on, we cannot but review the situation with feelings of grave anxiety. That, Sir, is my justification for bringing in this Bill to-day, and here I think I may well quote some extracts from a document which I have recently had the opportunity of perusing. It is a letter which purports to have been written by an ex-terrorist who withholds his name because he says he is a fugitive from justice. He addressed his letter to His Excellency the Governor himself. Who he is and what his motives are I do not know, but I believe that this letter is genuine, and it is for this reason that I am going to make use of it here.

Mr. NARENDRA KUMAR BASU: On a point of order Sir. Is the Hon'ble Member in order to read an anonymous letter for the truth of which he cannot be responsible?

Mr. PRESIDENT: Was the letter published?

The Hon'ble Mr. R. N. REID: Not that I am aware of.

Mr. PRESIDENT: Can the whole of it be made available to the members?

The Hon'ble Mr. R. N. REID: No.

Mr. PRESIDENT: Then you had better not read any portion of it.

The Hon'ble Mr. R. N. REID: Then I refrain from quoting from that letter. The Bill has been made purposely longer and fuller so that there may be no mistake about its intention. The Bill is designed partly on preventive lines and partly on deterrent lines. I do not depreciate the value of the deterrent action, but I would lay more stress on the preventive clauses of this Bill. I would draw the attention of the House in this connection to clauses 6, 13, 18, 23 and 26 all of which are on preventive lines. To take clause 6 first. That is intended to endeavour to control or reject the nowadays rather indirect but nonetheless effective means by which some members of the press continue to hold up terrorists as the victims of an oppressive Government thereby corrupting the minds of the young to a sort of perverted hero worship. Hero worship properly directed is full of possibilities for good. It is difficult to find words strong enough to condemn the action of those miscreants who divert the generous impulses of youth into evil channels for their own subversive ends. There are several ways in which the kind of thing I mean is fomented. Readers of daily newspapers are no doubt familiar with that. Great prominence is given to the ailments, the so-called miseries and by implication the ill-treatment by Government officers, of detenus and convicts. Advertisement is made of such celebrations as Hijli Day and Jatin Das Day and the like which serve no other purpose than to perpetuate the memory of the terrorists. Then recently I remember to have seen in one of the Calcutta newspapers a long statement purporting to emanate from a body called the Andamans Prisoners' Relief League which was described in the head line as the "plight" of these prisoners in the Andamans. I do not agree for a moment that there was any truth in the allegations which the statement made. But quite apart from the truth or the veracity of these allegations, surely it is criminal and misleading to present that side of the picture only

and to ignore the fact that every one of these prisoners in the Andamans has suffered trials, has been found guilty of a heinous offence and is suffering the punishment which has justly befallen him. If this kind of thing is not a direct incitement to young men to entertain feelings of sympathy for terrorists which is only a step short of joining the movement themselves I do not know what is. Then there is clause 13 to which I draw the attention of the House. The purpose of this clause is to enable a District Magistrate to exercise control over youthful persons within his own district and be able to use prompt and, it is hoped, effective measures to prevent young boys from being caught within the coils of the revolutionary movement. We know of numerous cases where parents have come to the District Magistrate and told him that their boys were getting into evil habits, that they are afraid they were associating with persons who wielded an evil influence over them, and thus going out of their control; and they asked local authorities whether they cannot do something to save them. At present all that the Magistrate can say is that he has to wait until a case has been made out to bring the youths under the terms of the Bengal Criminal Law (Amendment) Act, which too often means that the boys have got so far into the organisation that it is extremely doubtful if he can be saved. It is surely far better to make an attempt to prevent contamination at the earliest possible stage and it is for this reason that this provision has been introduced. If ever there was a set of circumstances to which the saying that "prevention is better than cure" applied—for too often there is no cure in such cases—it is this, and I can hardly believe that there is any parent in this House who will not welcome a measure of this kind in order to make an effort, at any rate, to save the young men of Bengal from being thrown into this revolutionary conspiracy.

Clause 23 is on slightly similar lines. It is intended to give the District Magistrate power to control those little associations or clubs; ostensibly harmless places of amusement or physical training really they are meeting places organised for the purpose of training young boys for the revolutionary ranks; and it is for this reason that Government have come to the conclusion that there should be some speedy and effective measure by which the local authorities should be able to deal promptly with such associations.

Then we come to clause 26, the object of which is to make it difficult for the emissaries of terrorism to corrupt young boys to disseminate revolutionary literature. I think it is commonplace with anybody who has anything to do with revolutionary movements that the first step which the revolutionary takes when he has marked down some likely recruit is to give him a selection of revolutionary literature to read whereby he lays in the boy's mind the first seeds of hatred of established authority. After that he goes on for other stages in this

direction. But if we can make this possession of the revolutionary literature a penal offence, it may go some way to deterring a person from reading or possessing such literature and also, one hopes, that this method will make the parents and guardians careful to see what sort of literature their children or wards are reading in their spare time and to deprive them of undesirable reading before, and not after, they come in contact with the law.

I now come, Sir, to the more deterrent clauses of the Bill. Of these what will no doubt strike the eye most prominently are clauses 8 and 12, whereby the Bengal Criminal Law (Amendment) Act of 1925 and the Bengal Criminal Law (Amendment) Act of 1930 are intended to be made permanent. At present, as everyone knows, these two Acts are of limited duration. The former will expire in the ordinary way on the 23rd April, 1935, and the latter on the 18th October, 1935. I wonder if there is any one in this House who can really contemplate with equanimity the prospect of these two Acts lapsing only a little over a year hence and the administration being left shorn of the special weapon with which it has been compelled to arm itself and which it has had to use against the revolutionary movement. It is a question, it seems to me, of facing facts, and situated as we are in Bengal, it is sheer folly not to face facts. What are those facts? We have had this revolutionary conspiracy in our midst now for a matter of 30 years. We have attempted to deal with it by means of temporary legislation not, I am afraid, very successfully. The position to-day is that the revolutionary conspiracy, now 30 years old, is becoming a bigger menace and more formidable than ever. There is not, I am afraid, the smallest reason to believe that this revolutionary conspiracy is now other than endemic, and I fear also, as I have said before, that there is not the smallest chance that it will disappear as if by magic with the inauguration of the new constitution. It is a permanent organisation and Government must have permanent weapons, to deal with it. Experience in the past of the working of the Defence of India Act of 1915 has proved this up to the hilt. The defence of India Act of 1915 was introduced at a period which was marked for a matter of two or three years by a succession of murders, dacoities and robberies. It was brought in in 1915 and it succeeded in 1917 or thereabouts to bring the movement under control. Then followed the Royal Proclamation of 1919 and early in 1920 all those who had been interned under the Defence of India Act were released. In 1922 practically all the enactments known as "repressive," except a very few, were repealed. Government, therefore, had deliberately deprived themselves of those weapons which it had to arm itself with in order to meet the menacing situation in 1913, 1914, 1915 and thereabouts. The terrorists, on the other hand, continued to organise themselves and to keep their weapons bright. In 1923 the position was very serious again, and in

1924, as everyone in Bengal will remember, the Local Government had to apply to the Governor General for an ordinance to meet this menace; that ordinance was granted and it was followed by the Bengal Criminal Law (Amendment) Act of 1925. The action taken under that Act of 1925 as also under the Defence of India Act was effective, but the usual sequence of events followed. It was less and less used as the situation improved and by 1928 all the internees under those Acts were released. Again the terrorists used the opportunity thus given them to organise themselves. They organised themselves to such effect that they were able to bring off the raid on the Chittagong Armoury from the effects of which that district, and not merely that district but the whole province, has now been suffering for the last four years. Thus time after time it happens that just when the State has perfected its organisation to deal with this menace, when the Act which makes this possible to do expires, and the special trained staff which it has collected is dispersed, the State again is left— not helpless, but crippled, to meet the attacks of the enemies which have never ceased to organise or to cease to improve their method of attack. That I venture to say will happen again and happen time after time unless these Acts are made permanent. It might be said that you should renew them for a term of, say, five or ten years; but this is not the point. I venture to think that if we are to deal rightly with our successors,—and I am looking a long way ahead because of my belief that this terrorist conspiracy is not a thing here to-day and gone to-morrow—I think we have no right to legislate on these temporary lines and in any case supposing terrorism is here to-day and gone to-morrow, even if the Acts were made permanent, there would be no need for Government to use them. I put these two clauses under the head "deterrent" because I believe they will be deterrent for it is known that the Legislature of the country as well as Government of the country are determined to keep themselves armed with measures which are aimed at this terrorist conspiracy. I believe it will make a difference to their mental attitude if they feel that there is no cessation of vigilance on the part of the authorities and that the authorities will remain equipped with the weapons which it is necessary for them to have.

I now come, Sir, to clauses 3, 4 and 5 of the Bill which are also of a deterrent nature, and, I do not hesitate to admit, of a drastic character. Clauses 3 and 4 are intended to amend the Indian Arms Act and clause 5 is intended to amend the Explosive Substances Act so as to make a person liable to the penalty of death under certain conditions. In the case of the former Act it is specified that this penalty may be inflicted in cases where persons have been found in possession of unlicensed arms under certain defined circumstances. In case any one has been misled by what appeared in a Calcutta newspaper recently —a grossly misleading statement—to the effect that this provision was

binding upon the judiciary to inflict the extreme penalty, I may point out that the word in the clause is "may" and not "shall," and also there are a number of smaller penalties which can be inflicted in each case and it is no more binding upon the judiciary to inflict the maximum penalty in each case than it is in any other criminal trial. There is also the magistracy and the judiciary to be reckoned with and there is also the appeal. I venture to submit, therefore, Sir, that this is not quite so drastic as it appears. On the retributive side I maintain that this penalty is quite justifiable. The clause, in fact the whole of this Bill, is aiming only at terrorists. We all know that terrorists possess arms and carry arms with one purpose, that is for the purpose of murder. If such persons were arrested in possession of arms, and in circumstances which can only point to their intention to carry out their murderous purposes, then I hold that there is no reason why they should not be liable to the same penalty as if they had actually committed that crime, or had attempted it. I think perhaps I can illustrate my point by reference to that on the Pahartali Institute which was carried out in September, 1932, in Chittagong. If before that raid had come off, the participants of that raid had been caught in possession of arms and explosives, in such circumstances as it was obvious that they were about to attack with murderous intent, that institute and those innocent people, I think that it would have been almost inevitable and necessary to regard them as guilty as though they had committed the crime which they intended to commit, and therefore that they should be liable to this penalty.

Secondly, on the deterrent side, I think there is little to be said. I do not say for a moment that this penalty is going to deter everybody from taking part in revolutionary crimes, and I know there are many desperate men whom no amount of penalties will deter. But I say this, that there may be, and I am pretty sure there are, plenty of persons to whom this clause might be a deterrent, and I think that if the placing of this clause on the statute book is going to deter even one person from comitting some hideous crime, it is worth while. And, secondly, I feel that perhaps the existence of such a penalty may be of some help in inducing parents and guardians to exercise more care and attention over those of whom they are in charge.

I would now turn to clauses 14 and 16 by which it is proposed to strengthen the law against absconders. The provisions of these clauses are based on the fact that we are dealing with terrorism, and it can be taken as an axiom that terrorists who fail to comply with an order lawfully passed upon them, and evade the law in that way, do so not in ignorant innocence but because they know very well——(The member here reached his time-limit, but was permitted to continue with his speech.) They know very well what is up against them, and also in some cases with the deliberate intention of carrying out some hideous

crime. Time after time information comes into our hands that so and so has been ordered by some terrorist leader to abscond in order to commit a crime, and time after time, men who are wanted under the Bengal Criminal Law (Amendment) Act have been actually arrested in the act of committing crimes. I would mention as an instance one Kristopada Chakrabarty who was caught in the act of committing a dacoity at Agartala and who had previously absconded from Buxar Camp. Similarly, that girl who was found in the Pahartali raid; she also was wanted under the Bengal Criminal Law (Amendment) Act, and there are many such instances, if I had time I could quote them.

Lastly, there is clause 19 which deals with the question of allowances to the members of the family of a detenu and his dependants. Government has been the subject of a great deal of criticism in this connection, both on the score of extravagance and of callousness in giving allowances. Under the Act as it stands, Government is compelled to give allowances in certain circumstances. Section 12 of the Act says: "The Local Government shall make to his family, if any, and to such of his near relatives, if any, as are in the opinion of the Local Government dependent on him for support, an allowance of such amount as is, in the opinion of the Local Government, having regard to their other sources of income, adequate for the supply of their wants according to their rank in life." This compulsory provision, inelastic as it is, has been found by experience to lead in some cases to support being given to wholly undesirable people, and who are in fact in full sympathy with the revolutionary movement, and I maintain that this in itself is quite sufficient justification for giving Government greater discretion in the grant of these allowances. I am not suggesting that this clause is going to be used right away or at all, to cut down allowances or to reduce them to nothing, but I do say that it is right that Government should have discretion to withhold allowances in cases where they are wholly unjustifiable.

Finally, Sir, I come to three clauses, Nos. 10, 11 and 25, which are neither preventive nor deterrent, but are more in the nature of measures to speed up the procedure in the Courts. Clauses 11 and 25 are based on experience and are intended to allow the presiding Magistrates and Judges to dictate the evidence in Court instead of having to record it in their own handwriting. Evidence in these cases, especially Special Tribunal cases, is very often of a very voluminous character and provided, as I think there is no chance of it, there is no prejudice to the accused, I think it will be agreed that this clause is desirable. Similarly, clause 10 is based on the experience of the last four years, and enables evidence put in in supplementary cases to be regarded or accepted in a less cumbrous form than it is at present. I submit it is a pure waste of time and public money to record over and over again evidence already taken down in previous cases, when you are bringing up for

trial persons who were charged in the original trial, who have absconded perhaps for a matter of three or four years, eventually caught and brought to trial.

That is all I have to say on the provisions of this Bill, and I need hardly add that if the House accept the motion for reference to a Select Committee and thereby accept the principles of the Bill, Government will be perfectly prepared to consider very carefully all reasonable amendments to the Bill and modifications to its provisions that may be brought forward in Select Committee.

Before I resume my seat I should just like to add this. I would beg the House to realise that Government have undertaken this legislation not lightly, but because they are convinced of its necessity. I would beg the House also to consider that this Bill has been drafted only after a most careful survey of the situation. That situation is a grave one; graver, I fear, than a great many people think. Government feel that this Bill may go some way, perhaps a long way towards success in the struggle against terrorism, and I would beg therefore that all members of this House, when they come to discuss this Bill, will look at it as far as they possibly can, from the standpoint of the safety of the State which transcends the conscience and even the liberties of the individual because that State is threatened to-day by a menace which, if we allow it to get the upperhand, will surely overwhelm the State and all that it means to the individual in security of person and property.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir, will there not be any general discussion on this motion?

Mr. PRESIDENT: Yes, but we shall now have the amendments for the circulation of the Bill moved and then have one discussion on all the motions.

Mr. P. BANERJI: I beg to move that the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1934.

I have come here, Sir, with a temperature from my sick bed just to raise my feeble voice and to protest against the measure that has just been introduced I say not of necessity, but for other reasons. A Bill that can be termed the blackest Bill. There are so many black and blacker Bills recently passed, but this is the blackest Bill which will be added to the armoury of the British administration in this country—the administration that calls itself just. Sir, I have to say this. As you will notice, this Bill is going to be introduced and the Hon'ble Member Mr. Reid has given us a very long argument in favour of this Bill which is not at all convincing. The argument

which he has put forward is firstly, that this is a necessity and he has just going to say so, or rather hoodwink us by bringing forward some anonymous letters. These sort of letters are forged in the department, I mean the department——

Khan Bahadur MUHAMMAD ABDUL MOMIN: On a point of order, Sir. What was the word?

Mr. PRESIDENT: I was just going to ask Mr. Banerji to repeat the word which I could not hear distinctly but which struck me as objectionable.

Mr. P. BANERJI: I was just mentioning that the Hon'ble Member was referring to certain letters, letters that are anonymous letters that cannot be proved to be genuine, and such letters can be done by the underlings of the Government as is sometimes produced in times of necessity. The Hon'ble Member——

Mr. W. H. THOMPSON: On a point of order, Sir. May we inquire from the member whether he withdraws the word "forged" which was the original word he used?

Mr. PRESIDENT: Did you use that word, Mr. Banerji?

Mr. P. BANERJI: I do not remember what I said. (Laughter.)

Mr. PRESIDENT: You seem to have a very convenient memory. (Laughter.) It is now clear that you did use that word and I must ask you to withdraw it.

Mr. W. H. THOMPSON: On a point of order, Sir. You have the Mace.

Mr. PRESIDENT: Yes, it stands and will always stand for truth. Now Mr. Banerji, you would do well to withdraw that word?

Mr. P. BANERJI: I have no objection to doing so and I withdraw it.

(At this stage the Council adjourned for 15 minutes for prayer.)

(After adjournment.)

Mr. P. BANERJI: Mr. President, Sir, I was just telling the House that the Bill has not been brought forward out of necessity. As an argument in support of the Bill, the Hon'ble Member has said that for the last 30 years Government has been trying to grapple with the situation by bringing new measures one after another.

The Hon'ble Mr. R. N. REID: On a point of personal explanation, Sir, I did not say that Government has been trying for the last 30 years to grapple with the terrorist movement. I said that terrorism has been in our midst for the last 30 years. I think the hon'ble member misunderstood me.

Mr. P. BANERJI: Anyway, the fact remains that there has been this movement for the last 30 or 35 years in the country, and it has taken such a shape to-day that in spite of the recent legislations Government cannot tackle the situation. Therefore, I think that instead of passing these measures, it would be rather prudent on the part of Government to do away with these measures and to try to find out the root cause of the terrorist movement. We have often advised or rather warned the Government from this side of the House that such measures will not help them to tide over a crisis like this, but whenever Government brought forward such a measure, they said it was a temporary one, and then later on steps were taken to make it a permanent measure. The Hon'ble Member will perhaps try to explain that Government will very cautiously use the powers proposed to be given them under this Bill, but from our experience we know that the powers given to Government under the previous Acts have been used against innocent persons. The other day the approver in the Burge Murder case said before the Court——

The Hon'ble Mr. R. N. REID: On a point of order, Sir. Is the member in order in referring to a case which is *sub judice*?

Mr. PRESIDENT: Order, order. I understand the case is *sub judice*. Mr. Banerji had better not refer to it.

Mr. P. BANERJI: But, Sir, the Hon'ble Member referred to the case in his speech.

The Hon'ble Mr. R. N. REID: No, I did not.

Mr. PRESIDENT: The Hon'ble Member did not refer to the Burge Murder case in his speech. You had better refrain from saying anything about it.

Mr. P. BANERJI: But the fact that the approver in that case said——

Mr. PRESIDENT: You forget my ruling. You must not refer to that case.

Mr. P. BANERJI: I was referring to the case because the Hon'ble Member mentioned it in his speech.

Mr. PRESIDENT: Order, order.

Mr. P. BANERJI: Anyway, I shall not proceed with that point further. Now, what is the real cause of these murders? I think Government by its own action is only goading the people to commit this sort of thing. Take for instance the recent incidents in Midnapore; they cannot even be thought of being perpetrated by any civilized Government in the world. Now to crown all, this measure has been brought forward. It reminds us of the past history of the British administration in this country; it reminds us of the hanging of Nandakumar for perjury. May I inquire in this connection whether any other Government in the civilised world ever hanged a person for perjury? But it was actually done at the time of the establishment of the British administration in this country. I should say that this was perhaps the last law of the British administration in this country——

Mr. PRESIDENT: Order, order. What are you driving at?

Mr. P. BANERJI: I say that murders are committed on account of the actions of Government. Government by taking such actions are exciting the people to commit murders. That is my point. On many occasions in this House I have given an account of the police oppression in this country, and how the members of Government and the police go about in the countryside and terrorise the people into submission.

Mr. PRESIDENT: What do you mean by the members of Government?

Mr. P. BANERJI: I mean members of the magistracy. I do not want to mention any name now because whenever I did it, you ruled me out of order. I, therefore, say these members of Government and the police——

Mr. PRESIDENT: You had better not say members of Government. It makes no sense.

Mr. P. BANERJI: Then I say the Government officials along with the district police have committed arsons and many other vile things. But in spite of repeated requests, no inquiry is made into these, and the result is that with their connivance the people who are much

oppressed commit these murders. There is another reason. Government are making another propaganda, *viz.*, that marching of the military which is going on from village to village and the people are asked to salute the Union Jack. It reminds us of the Austrians. I can tell the Hon'ble Member that on account of English education the people in this country do not any more consider themselves cowards; they want to stand with their head aloft to fight any amount of oppression, and that is the result of English education in the country. So if you now come forward with this black measure, it will only blacken your own face.

Now to go into some of the details of this Bill. If a person is found guilty of a particular offence and fined, the fine will be realised from his father; newspapers will not be allowed to publish anything about the miseries of the detenus. Does the Hon'ble Member want to tell us that the detenus in the Deoli Camp are living in peace and plenty? We know from the reports published in the press that a certain detenu was taken out of the camp and injected upon and he died instantly. These are bare facts which are happening there, and you by this black measure want to shut these informations out from the country. Do you want to make us believe that we are no longer living under the British administration, and that the administration of to-day is not the British administration of a century or fifty years ago? If you go on in this way and bring forward more measures like the present one, the result will be that not only young men but old men too might turn out anarchists. I, therefore, consider that the only way of raising our protest against such a black measure that is sought to be introduced by the Hon'ble Member will be to circulate it for eliciting public opinion. With these words I commend my motion to the acceptance of the House.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by 1st April, 1934.

I rise to move the amendment with a full sense of responsibility. I know, Sir, that I shall be misunderstood; I know that there are people both inside and outside this House, the nincompoops and addle-pated idiots who think that if anyone ventures to criticise a measure against the terrorists, he is a supporter of the terrorists. I am not appealing to those individuals whoever they may be; I know that there are men here who think that after the Home Member has spoken with the accumulated wisdom of administrative ages there is nothing more to be said, and that any criticism of what the Home Member says is not only irrelevant but irreverent. Sir, I have nothing to do with men of that mentality. But I think that it is up to every member of this House—I am talking of Indian members only—who wants the

good of his country—who wants to be true to his country—to speak out frankly in a moment like this to the Government and tell them what the effect of legislative measures like these is bound to be. I submit that that is true loyalty; loyal frankness, not the lip loyalty of those who want to egg the Government on from blunder to blunder and help to hasten that time when British domination in this country will disappear. I submit that it is by measures like these that the Britishers are sealing their own fate in this country. We have been told often and often by successive Members of Government that measures like these are necessary in the interests of law and order. Sir, may I remind them that law and order in this country is more for our benefit than for the benefit of even the Indian Civil Service? Sir, we are the people of the country. If there is no law and order in the country, it is we who will suffer, not the birds of passage, whether belonging to the services, or to trade or commerce, who come here from year to year to shake the *pagoda* tree. The interests of law and order are dearer to us than to anybody else or to those who come and sojourn amongst us. It is idle to deny or to hide the fact that during the last 30 years terrorism has gained ground in the country, as Mr. Reid has pointed out. But, Sir, is not terrorism an exotic in this country: Why has it spread so much? We have been blamed time and again by Members of Government as not having been able to put forward any constructive suggestion to deal with terrorism. We have said, Sir, often and often that, unless you lay your cards on the table it is impossible for non-official members to give you that assistance which they are capable of. In this connection, Sir, I may say that when I raised the question of unemployment in this House in August or September, 1932, when the last Bill was being piloted by Mr. Reid, Mr. Reid himself in his final speech damned it with faint praise—this question of finding employment for our unemployed youths has been now blessed with Viceregal sanction. We know what Lord Willingdon in a recent speech said. He said this: "Lack of occupation produces in the minds of young men feelings of distrust, despair and resentment." Well, Sir, the Viceroy and also the Governor of this province have taken up the idea and they are trying to find employment for our unemployed youths. But in my submission they are touching only the fringe of the problem. What about the change of administration of the country? You have been breaking your pledges for the last 150 years: you have been telling us of granting us constitutional improvements: you have been telling the people of this country that you will give them a larger and larger share in the administration: but what is the result? The result is the White Paper. Sir, I do not know how to characterise the White Paper. Members of this House have already characterised it in a debate on that question. It is not a White Paper at all; it is not a blank paper even; but it is a Black Paper. And whatever semblance of constitutional government there

was, to be given to this country, is sought to to be taken away by this so-called White Paper; and even this White Paper they have been sitting on for years and years now, trying to take away whatever there is in the White Paper. Sir, it is measures like these which produce despair in the country and which again in its turn produces terrorism. Again, I am told that the necessity for this legislation lies in the fact that Government has not been able to cope with terrorism so long; quite sure it is so, and I am equally sure that they will not be able to cope with terrorism even with this Bill if it were passed in full in this House. They do say and do we not know that even where the law is not bad enough it is the administration of the law which makes the people suffer? Even where the laws were not as drastic or as stringent as this Bill is, even there the people do suffer, and why? Because the administration of law to-day is left to the police, the magistracy and the Judges. Well, Sir, what do we find? Here I will not pause to characterise the police as a whole. But I will say this: does not the Criminal Intelligence Department feed on scenting out more and more cases of sedition and terrorism? Is not the sedition of the year 1934 the accepted Government dogma of 1935? What was sedition in 1917 is no longer sedition now. Nations progress; they do not keep still, but the Police Department does. They are always hunting for sedition, and if you give them the powers that are going to be given under this Bill, they will find sedition everywhere. Then there come the magistracy; what about them? The ordinary Magistrate in this country has neither a legal training nor a legal temperament. Therefore, to arm these Magistrates with these extraordinary powers permanently is, I submit, committing a great outrage upon the people. Then we come to the judiciary—the Judges. Well, Sir, time was when the Judges were regarded as the bulwark of the liberties of the people. Nowadays what do we find? We find more and more to our shame and sorrow that Judges, not excluding even the highest in the land, want to be in the good books of the executive, and in the pathetic anxiety of the highest judiciary to be on the right side of the executive——

Mr. PRESIDENT: I do not think I can allow you to make such sweeping remarks.

Mr. NARENDRA KUMAR BASU: I am not attacking any particular Judge. I have only spoken of the highest judiciary in the land—I mean the High Court Judges—and I did not mean any individual Judge.

Mr. PRESIDENT: I think you had better not tread on forbidden grounds.

Mr. NARENDRA KUMAR BASU: All right, Sir, if you say so, I withdraw that expression. I need not say that, but it is well known to all of us how our judiciary has gone down in the estimation of the public during the last few years. If such are the people who administer the law the result cannot be otherwise. In passing, Sir, I might mention that the Hon'ble Mr. Reid has not read his Bill at all. He said that in the three sections regarding the death penalty the word is "may" and not "shall". But, if Mr. Reid had eyes to see what his department has printed, he would have seen that it is not so. Then, again, Mr. Reid who is the head of the Home Department as well as of the Judicial Department does not know his Criminal Procedure Code. If there is an offence punishable with death, the Code of Criminal Procedure says that if the Judges trying such a case refrain from passing a sentence of death they must give reasons for it, that is, a sentence of death is obligatory, and any lesser sentence must be explained: for that is the state of the law. Now, so far as the Bill is concerned, is it remedial in any way? Does it really grapple with the question of terrorism? Is there any remedy suggested, or is it not more or less punitive, and by making this punitive law drastic are you not defeating your own object? Mr. Reid may say: I know that even a death penalty will not deter some people. But will it not add to the number of people who will not be deterred by the death penalty if you have death penalties for things like these? I was going to say small things like these but I would not use this word. But it is certainly smaller than homicide. Still the carrying of arms with the intention of committing a murder is not a small thing. But what is there to prevent the police from putting up the evidence that anybody who carries arms with him did so with the intention of committing a murder?

Take another section? I know under the rules I would not be allowed to deal with every section of the Bill as Mr. Reid was allowed to, because this is a general discussion of principles—take that section which deals with the possession of literature, not proscribed literature, but literature which might be objected to by the District Magistrate and for that the man gets three years—it does not matter whether he had any intention of using such literature for terroristic purposes or not. I think there are some of us here who have fallen into the bad habit of purchasing books—some of us have books dealing with the situation in Russia or with the situation in France, and other places, and there are also unfortunate men like myself who have not read all the books that are in their libraries. However, if there are books in their libraries which smack of sedition and some officious policemen hand the books over to another equally learned District Magistrate who objects to the books, that man is booked for three years. That is the sort of Bill that Mr. Reid is bringing forward before this Council.

Then there is that clause about newspapers publishing anything regarding any revolutionary movement anywhere in the world. If they do, they will come under the Press Act. Suppose there is a revolution to-morrow in Russia. Of course I am not talking of the *Statesman* publishing these things, for that paper is above all legislation. Take for instance the poor Indian newspaper the *Amrita Bazar Patrika*. Now, it must not report the actual facts, but say that there has been a big gathering and a feast was given to Brahmins in St. Petersburgh, because that is the only way in which they can report the Russian revolution if such a provision is passed: otherwise, not only the Press Officer, who has been hanging like a mill-stone round the necks of the editors, but the policemen, and the magistracy and judiciary, they will all rush forward under this Bill to punish the temerity of the newspaper editors. I say, Sir, that by legislation of this kind you cannot really prevent outrages of this description, and to say that you may do so, is, I think, absolutely moonshine. Sir, you know, as well as we all do, that the spirit of coercion does not die for want of nourishment as it makes its own food, it grows upon itself, and creates its own meat. Therefore, we find from 1925 onwards the Bengal Government asking for more and more power to arm themselves with to grapple with terrorism, and what is the result? That they cannot grapple with the problem at all they can only grapple with people, innocent as well as guilty—let me say for the edification of the police—that what they do is that after a terrorist outrage has been committed they go about and coerce people, innocent as well as non-innocent, and spread a wide net round them, and they have not up till now been able to prevent any outrage by the Acts that were passed by this Legislature I find the Hon'ble Member shaking his head vigorously. I hope in his reply he will give us instances. Up till now he has given us no instance, probably on the ground of public policy, but if Mr. Reid turns over a new leaf and takes the Council into his confidence and proves to the satisfaction of the representatives of the people in this Council that they have really been able to achieve any amount of success by these laws, I for one am prepared to vote in his favour. My time is running short; I need not take up the time of the Council for more than I ought to, but I shall say this, that for a measure of this description you have no parallel anywhere in the world. Terrorism has been in existence in India for a very short while comparatively. Terrorism has existed in the West for centuries. May I inquire whether in any country in the world the Government has been able to induce its Legislature to pass any Acts of this description? We know of the ukases of the Russian Czar. But we need not go into that; have your ordinances if you like. But I am asking the Home Member to tell us in all seriousness if there is any country in the world, the Legislature of which has passed any enactment similar to this one in nature?

Lastly, Sir, my motion is to have this Bill circulated for eliciting public opinion. Only last week we were told in a printed answer in this Council, that this Council does not represent public opinion. That sentiment was amended only after considerable heckling; I also find that on the 9th August, 1932, in opposing a similar motion Mr. Reid pointed out—"Where can you have public opinion represented more fully and ably than in this Bengal Legislative Council?" That is the sort of lollipop that we are fed with when it suits the Government. To-day we do not represent the public opinion of the country; that is what was said by the Hon'ble Minister for Local Self-Government last week, and to-morrow when it suits the Government and its purposes, we are told that we were chosen as the representatives of public opinion all over the province, and therefore, we shall be told we have had expressions of the public opinion of Bengal in this Legislative Council, and it is unnecessary to elicit public opinion. I submit that this is the sort of argument which will not go down with any section of the House. I hope the House will insist that this Bill be circulated and the real public opinion of the countryside elicited and recorded, and I hope that this Bill will be sent out for eliciting this opinion, and that the date for its further discussion fixed on the fittest day of the year, the 1st of April.

Maulvi HASSAN ALI: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon before the 25th March, 1934.

Babu JATINDRA NATH BASU: Sir, we are living in times when any act dictated by panic is likely to cause great injury. The situation is one that calls for the greatest calmness from individuals as well as from the Government. Any act which might show a mental upset is likely to bring about an effect which is the opposite of what is aimed at. In going through the provisions of the Bill now under discussion, one is struck by the abnormal character of many of those provisions—provisions which have the imprint of panic are infectious, and that panic may be communicated to the administrative staff both of the higher and lower grades and to certain sections of the public.

I shall refer only to a few of the abnormal provisions of the Bill.

The law as it stands provides for the death sentence for those guilty of murder and a severe sentence for those guilty of abetment of murder in cases in which death is not caused. Clauses 3 and 4 of the Bill provides that the sentence of death shall be inflicted upon persons, who happen to be in possession of certain firearms under circumstances which might indicate that the arms were intended to be used for murder or abetment of murder. The circumstances, which are referred to in those clauses may in times of panic, and in the case of poor persons

unable to obtain capable legal assistance, be interpreted in so many ways that the compulsory infliction of the sentence of death is hardly the remedy in such a case——

The Hon'ble Mr. R. N. REID: May I explain this point? I think the hon'ble member is not——

Mr. NARENDRA KUMAR BASU: Is this a personal explanation?

The Hon'ble Mr. R. N. REID: I wish to say that the member has misrepresented what I said. May I explain as regards this clause that this clause reads——

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member supplementing his speech by adding, or——

Mr. PRESIDENT: Let us hear him. It may shorten the debate. He will not make a second speech, but will offer an explanation; he may do so.

The Hon'ble Mr. R. N. REID: I want to explain that this clause 3 is the same as clause 4; sub-clause (2) of clause 3 read as follows:—

"and whoever commits an offence under any of the said clauses in respect of a pistol, revolver, rifle or shot-gun under circumstances indicating that he intended to use such firearm for the commission of any offence of murder or abetment of murder, or that he knew it to be likely that such firearm would be so used, shall, if he is tried by Commissioners appointed under the Bengal Criminal Law (Amendment) Act, 1925, be punished with death or with any such punishment as aforesaid."

I wish to emphasise the words "or with any such punishment as aforesaid." "As aforesaid" refers to the wording of section 19A of the Indian Arms Act of 1878 which reads thus:—

"19A. Notwithstanding anything contained in section 19, whoever commits an offence under clause (*c*) or clause (*e*) of clause (*f*) of section 19, shall, if the offence is committed in respect of a pistol, revolver, rifle or shot-gun, be punished with transportation for life or any shorter term, or with imprisonment for a term which may extend to fourteen years, or with fine."

Babu JATINDRA NATH BASU: I am obliged to the Hon'ble Mr. Reid for the explanation offered, but that does not take away from what I was trying to place before this House. The provision, as the Hon'ble Mr. Reid has read out, is "shall be punished with death." In both clauses 3 and 4 these words occur. The alternative that is

mentioned in those clauses is the punishment already laid down in the Arms Act, but this punishment which this Bill introduces is the punishment of death. So that if the "circumstances" to which reference is made earlier in these two clauses are such that the Court comes to the opinion that the arms were in the possession of certain individuals under the "circumstances" as interpreted by that Court, then the Court is specially authorised under this Bill, in addition to the powers already vested in the Court under the old Arms Act, to sentence a man to death.

What I was trying to point out before the House is that in times of panic a small thing or a comparatively unimportant thing may, in the eyes of those dealing with a particular crime, assume such a shape as to be magnified into an offence deserving the punishment of death.

I shall give you an illustration. Some of you may remember the Narayangarh Train Outrage case, when a passing train, in which Sir Andrew Fraser, then Lieutenant Governor of Bengal, was a passenger, was sought to be blown up. Some coolies working on the line near the place where the outrage took place were arrested by the police. There was a regular magisterial inquiry, and a regular session trial. The coolies were found guilty and sentenced to very long terms of imprisonment. The Maniktala conspirators were arrested shortly after that incident. It was found after a year or two that these conspirators and not the coolies were responsible for the train outrage. After making the coolies suffer ignominy and a long term of imprisonment, Government released them in view of the facts placed beyond doubt at the Maniktala trial. The trial and sentence of the poor coolies show how panic can affect the executive administration, and can make the police procure such evidence as might mislead even the judiciary. The provision of the death sentence in clauses 3 and 4 is one which appears to be uncalled for.

The sentences provided for in the other clauses of the Bill are also of a too drastic character and require considerable revision.

The Press is a safety valve in the constitution of a State. If all that is thought and felt regarding matters of public importance are not allowed a normal vent through the Press, dissatisfaction is sure to develop into antagonism, which is likely in course of time to become active and organised. Clause 6, dealing with the Press, not only shows distrust of the people, but also of the judiciary, from whose hand is taken away the adjudication as to whether a particular matter is open to objection or not. Such a provision is far from healthy in a country where the Government is not responsible to the people and where there is a large amount of misunderstanding as to the intentions of the Government.

The provisions that proceedings that take place in Court in the absence of the accused should be used against him at a trial are a direct negation of all ideas of administration of justice. It is surprising that an attempt should be made to insert such legislative provisions in a measure of the present day.

The restriction on personal liberty provided for in clause 13 and in some of the other clauses, and the taking away from the person concerned of all opportunity to judicially absolve himself are elements which are open to the strongest objection. So are the provisions which authorise the realisation of fines from a person who the Magistrate happens to be of opinion is in the position of a guardian to a person under 21 years, whom the police suspects.

In cases where persons are interned without trial, it has been the practice that those that were dependent on his earnings should be paid a maintenance allowance. Clause 19 makes such allowance discretionary. The Government occasionally shows great concern about the economic distress prevailing in the country, specially amongst the *bhadralok* class. But clause 19 will add largely to the number of those that are starved or half-starved. It should be carefully considered whether such mutually contradictory policies should be enunciated by Government, and whether any good can result from such addition to the list of the underfed. We are no doubt living in difficult times. It is, therefore, necessary that nothing should be done to make the situation more difficult. Mere executive action does not command the same acceptance when the lives and liberties of the people are concerned as the ordinary safeguards of law. Executive decisions in this country are not always free from grave mistakes. I shall give you an instance in a small matter. I myself had some direct knowledge of it. Many years ago there was a big fire in the Nimtala area of Calcutta, where there are a large number of timber-yards. The Fire Brigade acted in a way that brought forth vehement protests not only from the afflicted, but from the public. The charge was that only those that had bribed the firemen had their attention. There was an inquiry by the then Commissioner of the Presidency Division who found nothing wrong. The decision did not satisfy the public. Government conceded a further inquiry, when the truth came out, and the Superintendent in charge of the Brigade and his offending staff were weeded out. That shows the kind of inquiry upon which things may be done.

In this country the Government can never lose by following the methods which have stood the test of time, instead of resorting to abnormal and out-of-date devices. Such devices have been attempted to be availed of during the last 25 years. The result has been a steady spread and gradual organisation of disaffection.

If Canning had resorted in 1857 and 1858 to measures which present-day administrators are availing of, there would not have been the 50

years of peace and progress that commenced from his administration, and probably the tea industry and jute industry would have been non-existent. In the teeth of the strongest pressure and in the face of severe opprobrium, he refused to be hustled into abnormality, however difficult the situation might have been around him. It should be remembered that what we have now around us is almost child's play to the conflagration that he had to face.

Babu KHETTER MOHAN RAY: Mr. President, Sir, I rise to speak on this motion with some diffidence. Because it is not unoften that any criticism offered on a matter like this is misunderstood and misjudged both by the Government and the public. Be that as it may, I should be failing in my duty if I do not give vent to my mind on a momentous question like the present Bill, which is agitating the minds of the people. Sir, I feel that it is the duty of every right thinking man in our country to co-operate with the Government in its endeavour to suppress the terrorist movement and to support any measure inaugurated by Government which is calculated to remove and eradicate this canker of terrorism from the province which is eating into the vitals of our society. Whenever any Bill is, with the avowed object of suppressing terrorism, introduced in the Council by the Government, the proper course would be not to move for the throwing out of the Bill outright, but to examine it in its various details and aspects and urge for the removal of objectionable features before it is placed on the statute book. It is urged in some quarters that the Government should not have introduced this Bill in the Council which would give to the outside world the idea that the terrorists in Bengal had acquired such an ascendancy in Bengal that a whole population have been aiding and abetting the commission of anarchical crimes. No doubt, many of the provisions are so drastic and sweeping and affect the society in its so many vital points that the people unacquainted with the present condition of Bengal cannot be blamed if they believe that a state of emergency endangering the peace of the country exists which renders it necessary for the promulgation of the proposed measure. But it will not do to forget for the moment the difficulties under which the Government are working for the suppression of terrorism. We should remember that in the course of two years, one after the other, three Magistrates at Midnapore were murdered by the anarchists. Mr. Stevens, who was a very popular Magistrate at Comilla, lost his life at the hands of two girl assassins who were set up by conspirators who took good care to hide their identity. Besides these, there are other instances of similar and equally heinous outrages which were committed by the terrorists in the country, not to speak of the dacoities and postal robberies with gun and pistol, which are being occasionally committed in the countryside. I need not dilate upon these instances as they are fresh in the minds of every member here. But I feel impelled to refer to one instance which

has occurred recently at Chittagong. We fondly hoped that the last of the terrorist outrages was heard at Chittagong after the arrest and trial of different batches of the accused in the Chittagong Armoury Raid case. But our hope was rudely shaken when we heard in January last about the diabolical outrages which were going to be perpetrated on innocent people engaged in sports had not the terrorists been timely arrested by the Superintendent of Police, which prevented the commission of the outrages.

It will not be out of place to refer to the situation created in the countryside. The District Magistrates are living a life of isolation in their own districts. They cannot move freely amongst the people over which they are called upon to rule; they cannot attend social gatherings or functions over which they used to preside. In order to efficiently administer the districts, Magistrates must tour in the interior and acquaint themselves with the condition of the people, but they cannot nowadays tour as often as they used to do before. No doubt they are escorted by armed bodyguards wherever they go. But Mr. Burge was also escorted by armed bodyguards, but this could not save his life. Nowadays it has become a very difficult thing for a person to approach a Magistrate unless he is personally known to him or accompanied by a gentleman of position who is personally known to the Magistrate. From all that I said before, it is patent to everybody that the situation has become intolerable in the country on account of the terrorist menace. Over and above these, we ought to remember that each time a terrorist outrage is committed a hue and cry is raised in some quarters that the Government had not done what it could have done to prevent the commission of such crimes and that the Government should be urged to take more drastic measures. It is no wonder that the Government in the present circumstances have thought fit to bring forward a Bill in the Council, many of the provisions of which are drastic and sweeping in character. No doubt the situation is bad, but the Bill if passed into law with all its objectionable features will make the situation worse; for this will create an atmosphere of unrest which will be favourable to the growth of terrorism. We know of no Government in the world which has succeeded to prevent the commission of crimes by legislation or executive action, especially those crimes which are committed by people of desperate character with pistol in one hand and deadly poison in the other. A measure, in order to be effective, must have the sympathy and co-operation of the people and must have the least chance of affecting or injuring the innocent.

Let us in passing examine some of the provisions of the Bill in order to elucidate my points. Clauses 3 and 4 in the Bill seek to to amend the Indian Arms Act of 1878 and provide for sentence of death as an alternative punishment for certain offences under sections 19 and 20. By clause 3 (*1*) lesser offences under clause (*a*) of section 19

are brought into line with those mentioned in sub-clauses (*c*), (*e*) and (*f*) so far as the punishment is concerned. Clause 5 of the Bill amends section 5A of the Explosive Substances Act, 1908, and provides for the sentence of death for offences under sections 3, 4 and 5 of that Act. It is said the purpose of such amendment is deterrent. As I have already submitted, to persons who commit or attempt to commit terrorist outrages with pistol or bombs in one hand and deadly poison in the other, who have scarcely any regard for the sanctity of human life, death sentence will prove no deterrent. Because the terrorists are by themselves a class of people who are outside the pale of the civilised society. Sir, one offence for which death sentence is provided is unlawful possession of or control over any arms, ammunition or military stores. Only in 1932 the punishment for this and other offences mentioned in clauses (*c*), (*e*) and (*f*) of section 19 of the Indian Arms Act, 1878, was enhanced by the Bengal Criminal Law (Arms and Explosives) Act, 1932, which is considered to be a drastic measure.

Now, Sir, the existing law is very stringent and very wide in its scope. If you make it more stringent by enhancing the punishment, the object of law will be defeated owing to severity of punishment. It is not the terrorists who will be deterred but the innocent persons who may be technically guilty will come in for severe punishment. Now, I come to the provisions in the Bill relating to possession of certain literature and incorporated in clause 26 of the Bill. All Acts hitherto passed by the Council for suppression of terrorism in Bengal have put as much restraint on the movements of individuals as conceivable, but clause 26 by incorporating Chapter III in the Bengal Suppression of Terrorist Outrages Act, 1932, want to put restraint on the mind. It seems to me that the most absurd and most dangerous part of the Bill is clause 26. Sub-clause 1 (*c*) (*ii*) is more comprehensive and sweeping in character for it provides that whoever has in possession any newspaper, book or other document which contains any words, signs or visible representations, which directly or indirectly express approval or admiration of any such offence (murder, dacoity, etc.) will be punished with imprisonment which may extend to three years, etc. All kinds of literature which are freely bought and sold in the market—books and pamphlets recording history of communist, socialist, fascist, Nazi and other movements of more or less revolutionary character—will come within the mischief of the Bill. A faithful account of the events of bygone ages in a book of history will come within the scope of the Bill for its "indirect" expression of approval of the means employed, adoption of which is an offence under any of the sections of the Indian Penal Code mentioned in clause 26 (*1*) (*c*) (*i*). One result of the Bill if passed into law will be that all bookshops, libraries, reading clubs, family libraries in possession of individuals, newspaper offices and similar other institutions will have to be thoroughly destroyed if the

persons possessing them want to save themselves from the mischief of the Bill. But the great danger of the proposed piece of legislation is that it would place the public at the mercy of the spies and informers employed by the police. Already the existing law on the possession of revolutionary and inflammatory literature is very stringent and wide in scope, and has entailed hardships on innocent people. Some months ago, at Comilla, there was a circulation of inflammatory pamphlets. Some days before a case cropped there in which one Ramani Roy, an old man of more than 60 years, who is a clerk in the local municipal office, and his two sons were accused for having in their possession an inflammatory pamphlet. Ramani Babu's house was searched on information by the police and the offending pamphlet was found there. The search took place while Ramani Babu was absent from the town. Ramani Babu and his two sons were sent up for trial before the Special Magistrate who convicted and sentenced them to various terms of imprisonment ranging from four to three years' imprisonment. The defence of the accused in that case was that they had no knowledge of the existence of the pamphlet in the house and that some mischievous and inimically disposed person or persons must have inserted it into their house in order to put them into trouble. There was an appeal against the conviction and sentence before the Sessions Judge who acquitted them, upholding their plea. This case and a similar case which is still *sub judice* have created a sort of consternation amongst the people. For, at Comilla most of the houses contain *kutcha* structures and the houses with brick built buildings have generally no protecting compound walls. Any man can at any time of the day introduce any paper into any of these houses without being perceived by the inmates. It is widely believed by the people that some mischievous spies or informers anticipating that their occupation will soon come to an end as the terrorist movement is speedily declining circulated such pamphlets and introduced them in some of the houses in order to have their services prolonged. I cannot vouchsafe for the truth or otherwise of their assertion, but that the belief is entertained by a good many people and that not without some reasons is a true fact. I have alluded to these in no carping spirit, but only to show how people feel themselves exposed to the danger of being falsely implicated under the existing law. I know the Government, if they want to govern, must have a system of efficient espionage and cannot dispense with the services of spies and informers. But it cannot be overlooked that in this country spies and informers are generally recruited from a class of persons who do not as a rule enjoy any respectable position in the society. Surely, I venture to say that Government does not wish that the people at large should be placed at the mercy of this class of persons.

Now, I come to the question whether the Bill should be referred to the Select Committee or not. Considering the circumstances under

which the Government felt compelled to bring forward the Bill I think it should be referred to a Select Committee. In the Select Committee, its members will find opportunities to examine the Bill in its various details and I have every reason to believe that the Bill will emerge shorn of its obnoxious and objectionable features. At present I have refrained from making any comments on the provisions of the Bill, which I reserve for the future when the Bill will come back for discussion.

With these remarks, I support the motion for referring the Bill to the Select Committee.

Rai Bahadur KAMINI KUMAR DAS: Mr. President, Sir, The Hon'ble Home Member has introduced this Bill with the object of enabling the Local Government to grapple more effectively with the terrorist movement. There is a motion that the Bill should be circulated for eliciting public opinion. My friends do not say that the Bill is unnecessary and so should be thrown out. They are only submitting to the House that the Bill be circulated for the purpose of eliciting public opinion. This submission presupposes that they do not represent the public though they have been nominated by the public of all the districts under the Local Government evidently on the assurance that they would represent them faithfully and the public by nominating them have evidently given them full power to speak for them and to represent their cause. Again, this submission may be considered if my honourable friends admit that they make the motion so that it will be kept in abeyance for some time and meanwhile they will go on studying the subject which they have not done yet. In the latter case also I hope they will not get any sympathy from the House because there is want of diligence on their part.

The Government want to pass the Bill to grapple with the terrorist movement. I hope all of us will agree that no public opinion is necessary to find out whether there is terrorist movement or not in Bengal. I therefore submit that there is no necessity for circulation which means only to delay taking a measure which the Government think to be immediately necessary.

The Bill does not contemplate something which is very new—which never existed and which we could never contemplate. It can be divided into two parts—one (*a*) offence and sentence, and the other (*b*) how to arrive at the finding.

As to the first there is the Arms Act of 1878 and the Explosive Substance Act of 1908 and the Indian Press (Emergency Powers) Act of 1831 and this Bill is to supplement these laws. The laws must be different for different stages of life in human society. What was law during the time of the great legislator Manu may not be suitable during the time of Sir N. N. Sircar. The law of Warren Hastings and Sir

Elijah Impey has been modified during the time of subsequent legislators. The great legislator of India provided that anyone found guilty of theft must have his hand chopped off. Whereas now it is that he will not be allowed to do so for certain period only. Lord Manu legislated at a time when kings had not sufficient *chaukidars*, police constables and soldiers to guard against the offence of theft and thereby protect the properties of the subjects and so he made deterrent provisions to guard against the repetition or recurrence of such offences, and with the change of time and administration it has undergone reasonable change.

(At this stage the Council was adjourned for 15 minutes for prayer.)

(After adjournment.)

In the year 1878 illicit possession of arms was mainly for hunting excursions or protecting the crops from wild beasts and birds, but now such arms are generally smuggled to cause death to the loyal subjects of His Gracious Majesty. The other day our popular District Magistrate of Chittagong, Mr. Hands, openly declared in a meeting that so long the Government were anxious to protect the European subjects but now time has come when the lives of the Indian subjects of His Gracious Majesty who may be believed to be loyal are also in danger. When it is so, should we the Councillors in any way oppose the Government when they do honestly believe that such measures are necessary for the protection of the lives of His Gracious Majesty's subjects under their charge? It is said that the sentence provided for in this Bill is very hard. True it is, but Sir because the sentence is very hard, it will be our duty to see that no sentence is inflicted at all. The sentence will not come upon us as a matter of course. No offence can be charged against us if we keep ourselves aloof from the illegal possession of fire-arms. Therefore, the question of sentence is not the point at issue. If anyone possesses a firearm under the circumstances stated in the Bill, I believe no Councillor will have any sympathy for him or would plead mercy to temper justice at this critical period of our national history. Therefore, in my honest opinion the Bill need not be circulated for eliciting public opinion. There may be some provisions which might require reconsideration and remodelling but that might be left to the Select Committee to settle.

Mr. A. K. FAZL-UL HUQ: Sir, I strongly regret that in spite of my sympathy with the objects that the Hon'ble Member has in view, I feel constrained to oppose the provisions of this Bill, and in that view of the matter I support this motion for circulating the Bill for eliciting public opinion on its provisions. Sir, I will try to confine myself to the direct point at issue as to whether this Bill should be circulated for public opinion or not. I may say at the very outset that so far as the

provisions of the Bill are concerned I cannot congratulate the advisers of Government on having induced the Government in bringing forward a measure which on the face of it is destined not merely to defeat its own object but also to aggravate the evil which it is proposed to grapple with. I am not surprised that the members of Government should have been so very shortsighted as these advisers of Government are sometimes selected in a very funny and haphazard manner. People who have got the requisite experience are seldom selected and the people who are asked to advise Government are generally people whose knowledge of men and things are no better than a fifth class student in a third class private school. I am not surprised that such gentlemen would not be able to take a view of things in their proper perspective. Legislation after legislation has been passed. This subservient Council has always responded——

Mr. PRESIDENT: Order, order. I would not allow any attack on the Council.

Mr. A. K. FAZL-UL HUQ: Very well, Sir. Then I say that I do openly declare that this Council has always responded to the call of the bureaucratic Government to pass any measure of any kind of stringency. But after all what has been the result? The anarchist crimes and the terrorist activities have been going on and a man with the least amount of commonsense ought to understand that there has not been a proper diagnosis and that the remedy has been most inappropriate for the evil. Now, Sir, take the legislation which we have at the present moment before this Council. It is said that these powers are necessary in order to eradicate the terrorist activities with which we have been faced. Now, there is no doubt that some of the provisions are most drastic. The extreme penalty of the law has been provided for in certain cases and it is said that if in the case of the use of firearms circumstances indicate that the person intended to use such firearms for the commission of any offence of murder or abetment of murder or such other offences he would be liable to be punished with death. Now, Sir, who is to decide whether the circumstances indicated that he intended to use the firearms in a particular manner? Surely, the members of the Commission that would be appointed under the Act. Past experience has shown that these Commissioners are generally three gentlemen: one a gentleman of the Indian Civil Service about whose judicial ability and acumen the less said the better. The second member is generally a member of the Subordinate Judicial Service, popularly known as a retired Subordinate Judge, a sorry specimen of humanity, generally bereft of all physical and mental powers, and who has to pay constant visits to the bath-room in order to fit himself for the duties which he has to perform. Then the third member is generally a Deputy Magistrate——

Khan Bahadur MUHAMMAD ABDUL MOMIN: And sometimes a member of the Bar, too!

Mr. A. K. FAZL-UL HUQ: Yes, a member of the Bar, but of the same calibre. He may be a very junior member of the Bar, whose outlook is blinded by subservience to the behests of the executive. From such a distinguished combination of legal wisdom what kind of decision can be expected? Sir, whether the High Court is a Court of just law or a Court of unjust law the decision has to be given by human beings and this personnel has to be carefully selected when a slight error of judgment is to mean death for a man who may be innocent. Can anything more monstrous be conceived, can anything more outrageous to human life and liberty be conceived than to arm a number of persons who are not properly equipped with qualities which go to the formation of a Judge to try people and pass the sentence of death; from which sentence, be it remembered, there will be no appeal—a sentence, moreover, for which there is no justification except in cases in which the evidence clearly indicates that such a sentence is called for! These are some of the criticisms that I want to offer so far as the provisions of the Bill are concerned. It may be said that these things may be considered in Select Committee and soothed over there. But I can say without any disrespect that the Select Committee proposed for this Bill is more or less a packed Select Committee. I am only sorry that it was not composed of all the Khan Bahadurs and Rai Bahadurs that obtain in this Council. I also wonder why on earth my friend, Mr. Narendra Kumar Basu, whose antecedents are so well known and who always charges at official members with the fury of an uncontrolable bull, should have been taken on the Select Committee. After such a Committee has been formed, what will their decision be? So I suggest that, in order to enable the Committee to form an opinion whether this legislation is undertaken on the right lines, let the Bill be circulated and let public opinion be elicited. Let the public have an opportunity of expressing their views on the provisions and when the Select Committee has got all the materials before them then it will be possible for them to come to a correct decision as to what line the legislation should take. I am not for a moment suggesting that such a legislation is not called for; on the contrary, I admit that such legislation is certainly called for. Sir, my friends on the left may be thinking that I am one of those who have got sympathy with any movement which goes to make the terrorist and anarchist movement a permanent feature in the land, but they will certainly be interested to learn that I have got no ideas of that kind. I do maintain that legislation is necessary, but I also at the same time maintain that legislation of the kind proposed is certainly uncalled for and unjustifiable, and that at the present moment to rush to Select Committee without allowing the public an opportunity to express their opinion is simply stifling public

opinion. I submit that it will only aggravate the evil; it will lead the people to resent the manner in which the legislation is sought to be imposed upon the country and this resentment will lead to fresh incitements to the kind of crimes which you seek to punish. After all, these anarchists and terrorists are people who work in secret. I do not for a moment believe that people who make big speeches in public or men who shout the loudest have anything to do with terrorist activities or anarchical crimes. On the contrary, the anarchists are people who have supreme contempt for violent speeches as delivered by Mr. Syamaprosad Mookerjee or Mr. Narendra Kumar Basu. They go a stage further and when they find that legislation after legislation is being rushed through in defiance of public opinion and public opinion is flouted, they begin to extend their activities. So I say let the public if they want express their opinion; let that opinion be welcomed and collected and be considered so that instead of the half-a-dozen persons who now advise Government—men about whose competency to advise I have very great doubts—let the people of Bengal as a whole advise Government; so that there will not be a single member of the House who will not agree to such legislation, and come forward with their views and suggestions to help Government. Let not the task of giving advice be confined to half-a-dozen persons, but let it extend to the whole of Bengal.

Sir, Bengal at the present moment is fully alive to the fact that these terrorist activities and anarchical crimes must be stopped somehow or other. I can well understand that at a moment like this when offences after offences and crimes after crimes of this kind are committed, people may sometimes lose their balance of reason and may try to rush into a course of unlawful action in a wild paroxysm of panic and even of terror, but this is just the moment when you should keep your head cool. Of course, such crimes can be and should be stopped by means of legislation, but look to the cold picture; consider how this situation has developed to what it is now, and after you have made a proper diagnosis, come forward and apply the remedy. Sir, these advisers are the very people who are advising Government to extend the life of the Council in order to get through legislation of this type and smother public opinion. These unjustifiable extensions of the Council are not looked with favour by the country and they are the only excuse for putting through this Council—I am not going to use an adjective in this connection this time—all kinds of anti-terrorist Bills, and this legislation is one of those pieces of legislation which Government would be well advised to drop at the earliest moment. I submit that at the present stage it is not necessary to say anything further, but I do hope that the Hon'ble Member will not press his point for referring the Bill to a Select Committee here and now, but that he will pay due regard to the fact that even in the present Council

there are a large number of persons who are of the opinion that this Bill should be circulated and public opinion elicited. Sir, I am one of those who have the fullest sympathy with the Hon'ble Mr. Reid in his endeavours to take all legitimate means for eradicating terrorist and anarchical crimes in the land, but I do not approve of this motion to rush to the Select Committee. It only irritates public opinion and when the people are irritated, they sometimes do things which in their sober moments they are only too ready to deplore. I therefore, most earnestly request Mr. Reid to reconsider his decision and have the Bill circulated even if for a very short time and when then that opinion has been collected, he will have a very useful set of opinions at his disposal and after they have been properly considered and acted upon, he will find that there is no opposition but that there is enthusiastic welcome for the Bill from all sections of this House to stamp out terroristic and anarchistic activities. I beg to support the motion for circulation of the Bill, Sir.

Mr. W. H. THOMPSON: Sir, unlike the last speaker I take this Bill very seriously. First of all, may I congratulate the Hon'ble Mr. Reid on his speech by which he introduced his Bill? He spoke to this House, but I think he was looking beyond these four walls. He was speaking to the people of Bengal and with every consideration to Bengal and its people, not only those sections of the people from which anarchists are not recruited but those sections from which anarchists are recruited also. Sir, it is amply evident that the Government of Bengal and Mr. Reid and the late Sir William Prentice, when they were drafting this Bill, were thinking not only of its servants and their friends foully murdered, but they were also thinking of the parents and guardians of young men who have become terrorists and of the thousands of other families of the same castes in Bengal, who live in daily fear of their sons and brothers, yes and, of their daughters and sisters, becoming spillers of blood.

Sir, if I have any criticism of Mr. Reid's speech it is that he need not have been so apologetic for his Bill. There are, as we all know, members in this House who are always ready to oppose Government in legislation of this sort. (MR. SHANTI SHEKHARESWAR RAY: "Why not?") But these very same members, when the House has to refer to one of the outrages which have taken place, have said quite definitely that they have no sympathy with the terrorist and the terrorist movement! Now, Sir, in politics, perhaps even more than in any other walk of life, to be consistent is one of the cardinal virtues. Mr. Reid no doubt anticipated the objections such as we have already heard and

such as no doubt we are going to hear, but my own feeling is that that is not the reason why he was so apologetic in his speech. I think it is, as I said before, that he was addressing a wider audience.

As regards the Bill itself, I am impressed with one aspect which runs throughout almost all its clauses. Government already has the power it requires for the trial of terrorist cases; it has the power which it wanted for putting out of harm's way proved anarchists; it has the power to deal with emergencies such as came above after the Armoury Raid at Chittagong and at Midnapore. The Bill is not so much a Bill to strengthen the hands of Government in dealing with terrorism, full grown. It is intended to deal with recruitment to the movement and to discourage as far as possible the development of terrorist organisations. That is the object of that very sensible clause 13, which gives the District Magistrate power to restrain a young man and put him out of the reach of further contagion when he has been found to be consorting with terrorists; without waiting for him to be so far involved in the movement that evidence can be produced on which he will be interned. Even the clause which introduces the death penalty for being caught with a revolver outside, say, Writers' Buildings, waiting to shoot Mr. Reid as he comes out, may have a useful effect as a deterrent. It may deter a young man from going into this business when he knows what will be the result of such action. I need not say anything about the clause which deals with the publication of certain matters which the wording of the clause itself defines as matters which tend to create an atmosphere favourable to the winning of adherents to the terrorist movement. That, Sir, makes the intention of that section quite clear, and even the section by which the temporary emergency legislation is made permanent, though the necessity as Mr. Reid has explained will be upon us before we know where we are. The immediate object of making those Acts permanent is very largely the object of deterring. There are, and there will be on the other side, optimists who will think that under the new Constitution the gangster will come with a paradise of his own. They imagine that this legislation will have died, and a popular Government will never be able to replace it. They congratulate themselves on the good time coming in the future. (A VOICE "When you will be gone!" MR. THOMPSON: "Yes, I hope to be at Home.") If the new Government considers it wise to do so, it will always be able to repeal the enactments, but there will be a breathing time before it does so, and in the meantime if this legislation is permanent now, it will go a long way to make it more difficult, for the terrorist recruiting agent to say to a young man: "Join up now, it will be some time before you will be given a large part in the movement, or before the police know about you. Join up now, by that time the laws against us will have passed away and we shall have everything our own way.

Now, Sir, the hope of ultimate success is what makes for the development of organisations for evil purposes as well as good purposes. If we can take away that hope, we shall have gone a great way to check the growth of the anarchist movement, and, Sir, it is a fact, in spite of the flowers of speech which may come from the other side of the House, it is a fact, and we all know it this Council does want the anarchist movement scotched.

Dr. NARESH CHANDRA SEN GUPTA: Mr. Thompson has indicated as clearly, as he could venture to do, that in his judgment and possibly in the judgment of many others, a man who desires terrorism to be effaced can do but one thing, and that is to support whatever the Hon'ble Mr. Reid is pleased to say is necessary for the purpose of killing it. In other words, they have got to keep their reason back at home and come here only to nod assent to whatever Mr. Reid says. If he does not do so, in Mr. Thompson's judgment, at the bottom of his heart he is a suspect. Nevertheless, I venture to say that I want terrorism to be effaced as much at any rate as Mr. Thompson and perhaps a great deal more, and because I want terrorism to be effaced I am opposed to this Bill.

Personally, with regard to the motion for circulation, I am half-minded to oppose it. For, if we pass this shameful travesty of a law, it would not be a deed which we should feel proud of. Such dirty things are best done with the least publicity. And, I hope we all know by now that if the Government had made up its mind to pass this Bill, no amount of circulation and no number of Select Committees will prevent its passage.

Sir, this Bill is the head-piece of a misbegotten monster. To give it the status and dignity of law would to my mind be an unpardonable sacrilege.

To my friends on the official bench, which to the eternal shame of the profession to which I belong, contains two professed lawyers, it may seem stupid to say that what they will and we pass by acclamation in the manner of the Athenian Ecclesia can be anything but law. For have not Benthan and Austin said and Austinians echoed that what the sovereign commands is law? But to me, Sir, who has spent the best thirty years of my life in the study of law as a student, as a teacher and as a practitioner of law, it stands for an embodiment of the principles of justice on which the structure of society is built, for the great bulwark of security which the wisdom of man has built up through the ages for the ampler realisation of all that a man stands for.

By assenting to the principle of this Bill, this Council is asked to give to a barefaced negation of the rules of justice the dignity of law. Law and justice have been sorely abused of late in this ill-starred country at the hands of perverse or ignorant administrators. But to pass this measure as law would be the last insult and outrage to the sorely abused concept of law.

Sir, what are the precious things we are asked to lay down as law? Mr. Reid has given us a statement which is a great sight softer than the enactment which he has proposed. If you read the enactment once more, you will find that it provides for many things more than he has spoken of. I do not want to take the time of the Council by going into the details of its provisions. I will summarise in my own way what this Bill seeks to do. First of all there is the atrocious rule that mere illegal possession of a gun—not with the intention of killing men—but under certain circumstances indicating that the possessor knew it to be likely to be used by somebody else for the commission of a terrorist offence, is to be a capital offence.

Secondly, we are going to rid the procedure for the trial of offences by Special Tribunals of the last little security which the accused still has for proving his innocence. At the sweet will of the Commissioners an accused person may be deprived of the privilege of cross-examining witnesses who may have deposed before this man was thought of as an accused peron. And the evidence of his complicity in the offence given behind his back is to stand.

This is not all, the record of the evidence, not taken by the Judge and of which the Judge does not keep any notes, but by stenographers who, with all respect to them, have come to share with the printer an unmentionable distinction for blunders, is no longer to be read over to the witness and admitted by him to be correct.

Next we are asked to endorse the statement of the Hon'ble Mr. Reid that all comments in newspapers showing concern for detenus and convicts in Andamans, even when they are dying for neglect and cruel inattention to their physical needs, are not only a nuisance to Government but constitute an incitement to terrorists. Even a laudatory account of a revolution—such as for instance that achieved by Herr Hitler in Germany—must be taboo. In other words, newspapers must henceforth publish laudatory accounts of the Government alone or confine themselves to discourses on cabbages.

Lastly, we aged folks here are asked solemnly to lay down that youth is a heinous crime. In ancient times, it was just the reverse, and old men were killed by young men as useless. In Rome they were thrown into the Tiber from a bridge. Mr. Reid, in revenge, perhaps, though considerate enough not to want as drastic treatment of the minors under 21 years of age, merely asks us to make their life a hell. And all this and more is to pass down as law, solemnly made by a Council consisting of a majority of elected members. In placing this measure before us with the assurance that the Government show, they are paying the Council a left-handed compliment.

I am not forgetful of terrorism. I do not forget that it has got to be effaced. I do not forget either that extraordinary situations require extraordinary remedies. I have said before and I repeat it now that terrorism will not be stamped out. It has to be weeded out by delicate handling and the first thing to do for the purpose is to win the people to the side of the Government. The Government, however, believed more in the mailed fist and the sledge-hammer. Measure after measure has been passed by them and ruthless methods have been followed to terrorise people out of terrorism. The result is this Bill. It is a signal confession of the failure of the coercive laws hitherto passed to extirpate terrorism which the Government promised us. Nothing daunted, the Government loves to think that fresh terrors will see them through the business, but not so as to extirpate terrorism for this Bill is a frank confession that terrorism is going to be permanent and it will be permanent so long as we have measures like this on the statute. It is a sad prediction I make, when I say that even this new terror will not kill terrorism and if their policy remains unchanged, the Government will soon be asking for more and more drastic legislation and administrative terrorism and fail again

The great truth has got to be realised, that you can forge no terrors for men who mean to die as these youths do. The only way to prevent young men from seeking the dreadful path of murder is to sublimate their anti-social tendencies by creating conditions, in which they will have no occasion to feel inclined to terrorism. Antagonising the whole population by throwing the net of terrors of law all over them is just the way not to do it.

The repressive laws have terrorised only those who were not made to be terrorists; on the other hand, they have sown the poison broadcast and that poison has germinated and borne its noxious fruit wherever there was a hospitable soil. I make bold to say that all our repression has made more terrorists, actual or potential, than it has run to earth.

Looking at the other side of the balance sheet, these laws and the way they have been administered have co-operated with civil disobedience and terrorism to undermine the respect for law—a respect which has grown inch by inch through ages of good laws and unimpeachable administration of justice. If civil disobedience has taught people that laws may be disobeyed without dishonour, if terrorism has taught them that a desperate character can snap its fingers at law and work ravages on life and property, these so-called special laws have made people to unlearn the lesson they learnt through ages that law is in itself good and necessarily just and exists for the welfare of the community. And by using the judiciary to administer these laws and teaching them to ride roughshod over long established rules of substance and procedure we have demoralised them to such an extent that it has become quite usual for Judges nowadays to laugh at the lawyer who pleads for the sanctity of rules of procedure which are designed to ensure proper administration of justice.

The effects of this universal demoralisation which withdraws the allegiance of people from law are bound to be more far-reaching than the authorities now imagine. If law loses the respect which it has earned with people, if Judges are taught to make light of law as a security for the rights of people, the bond of justice which holds society together will be permanently loosened and if and when the present purposes of these laws are past and forgotten, society will long continue nevertheless to feel the shock of this great injury.

I wish to remind the House that the history of the past 150 years and more—of the peace, progress and such prosperity as capitalism permitted—has been made less by the force of British arms than by the growth of confidence in law and justice administered in British Indian Courts. Demoralised by the fear and resentment caused by a great menace, the Government, instead of making efforts to strengthen that confidence and to win people on the side of law, instead of improving the efficiency of its preventive agency, is proceeding recklessly to to cut off the roots of that confidence which has built up the society of to-day. They may or may not kill terrorism by it, but of this I am sure that if they do, a day will come when they will find that the remedy was worse than the disease.

Sir, as a citizen who believes in the foundation of society in law and justice, as a lifelong votary of the Goddess of Justice, a Goddess who has often been sorely abused by the tin-gods of the hour but has always in the end marched triumphant through ages, as a man who believes in a great destiny for man by obedience to law, I protest emphatically against this last stone which is now sought to be ceremoniously laid on the grave of administration of justice in this presidency.

Mr. SHANTI SEKHARESWAR RAY: Mr. President, Sir, it is a great irony of fate that on the very day on which you have been pleased to present the House with the Mace, the symbol of authority, as a step towards constitutional development——

Mr. PRESIDENT: You may leave the Mace aside.

Mr. SHANTI SEKHARESWAR RAY: The Hon'ble Mr. Reid comes forward with a measure which is likely to give a death blow to constitutionalism in this province. If he had any respect for the constitution he would not have brought a measure of this nature before this House. He would not have shown such indecent hurry to pass it into law. Sir, I consider this measure as a death blow to constitutionalism in this country in this sense that if this measure is passed into law, it will prove to be a great obstacle in the matter of introduction of further reforms in the country. Sir, for the last few years we have been told that very soon responsible Government is going to be introduced in this country and we have been asked to work the constitution, to cultivate a constitutional frame of mind and not to be led astray by counsels of persons advocating civil disobedience or non-co-operation. I would ask every member of this House to realise the gravity of the situation. I would appeal to them to consider what effect it will have in Great Britain if this measure is passed into law. We have been told and told on high authority, by a person no other than the Secretary of State for India, that law and order will be a transferred subject and it is not the intention of Government to withhold the transfer of law and order in Bengal in spite of the protest of certain sections of people in Great Britain and in India. Sir, my accusation against the Government of Bengal is this: that they are playing deliberately into the hands of these reactionary elements in India as well as in Great Britain. It is time that this is pointed out to them. Sir, what has been the cry of the royalists in Bengal—the royalist section of the Europeans and Britishers in this province? Whenever there has been a suggestion for the transfer of law and order they have raised a hue and cry that it will be very dangerous. It has been their contention that the situation in this province is so dark that it will be a great blunder to do that. Well, Sir, with that end in view the representatives of these Britishers in this Council have been always egging on the Government of Bengal to pass measures with a view to show to the world that the situation is really very dark. Sir, to-day the Hon'ble Mr. Reid has just corroborated the statement of the royalists, that is the European Association in Bengal. He says that we are face to face with a grave situation and that the situation is such that they cannot grapple with it unless they are armed with further powers. I would

like to point out that the question of power is immaterial: powers they have got enough and if legislation could crush terrorism, then terrorism would have been crushed long ago. You cannot crush terrorism by legislation, but by this means you are strengthening the hands of those enemies of the province—enemies who do not want that there should be further progress on constitutional illness in the administration of this country. They will naturally make the situation appear as dark as possible, and I think it will make a great impression outside this country—in Great Britain, where people know very little of the existing condition of things—when they find that the situation is so grave that measures of this nature—extraordinary measures which cannot be justified in any civilised country—have to be enacted in the province to meet the menace, that the situation here must be very grave. And naturally the grant of further instalment of self-government—further instalment of real responsible government in India—will be held up. I would like to know if that is the intention of the Government of Bengal. If the situation in the province is so very serious, they should communicate to the Government at Home their views. If they really believe that the situation is so grave, it is clearly the duty of the administrators in the province to tell the Government at Home and tell the people of this province that there can be no change in the administration in the near future. They ought to make the position clear. They should not dangle before us the prospect of constitutional advance on the one hand and at the same time deliberately play into the hands of the enemies of the province, who have produced this bogey of terrorism in their own interest. Sir, I always speak bluntly and I must tell what I feel. When I see Mr. Thompson or Mr. Miller expressing his anxiety to crush terrorism, I feel that there is something behind it. I, being an inhabitant of this province, hold greater stakes in the country than either of them can possibly hold, and if they show more anxiety than us to crush terrorism, I am inclined to think that the terrorists are not their real target. The Britishers in this country are feeling into their bones that their days are over; they feel that they are going to lose their dominating position in this country. They are feeling in their heart of hearts that the people at Home who are inspired with great ideals, who take a generous view of things and who can move with the world current of thought, think it disgraceful to exploit a subject nation; they feel that a more honourable course would be to get the real good-will of the people and from that point of view they may be prepared to transfer the administration of the country into the hands of the people. Well, I think the anxiety is not really for the suppression of the terrorist movement, but an attempt to put obstacles in the way of the constitutional advancement of the province. They cannot say that openly, because if they say so they would not get any hearing in their own motherland. So they say they are doing all these for the sake of the good administration of the country and all that

Sir, that is the view I want the House to take of this measure. I would warn the House before lending its support to realise the possible implication of such a support. You should not undo the work of generations. Sir, now I would refer to the merits of this Bill. It seems the Hon'ble Member entertains great hopes——(The member having reached the time-limit had to resume his seat.)

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 1st February, 1934, at the Council House, Calcutta.

Appendix.

An Appeal to the Members of the Legislative Council, Bengal.

As you know, quite a good many places of our sister Province of Bihar, especially the cities of Monghyr, Muzaffarpur, Bhagalpur, Sitarampur, Motihari, Champaran, Purnea and Darbhanga are now a mere mass of ruins as a result of the devastating cataclysm which overtook them very recently. Thousands have perished while thousands have been rendered homeless. Many are now lying in the open, sick and wounded, in great need of food and clothing, shelter and medical aid. Help, both in money and in kind, is urgently necessary. His Excellency the Viceroy has started a fund to help in the appalling distress and the Mayor of Calcutta was not slow to follow His Excellency's lead and start a local fund to work in the friendliest co-operation for the alleviation of misery of the sufferers. I feel sure that the members of the Bengal Legislative Council will respond liberally to the appeal that is being made, on behalf of our less fortunate brothers and sisters at this hour of their need.

"*Bis dat qui cito dat.*"

M. N. RAY CHOWDHURY, of Santosh,
President.

Calcutta:

The 31st January, 1934.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 1st February, 1934, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja SIR MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 106 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Muslim prisoners in the Mymensingh Jail.

*29. **Maulvi ABDUL HAKIM:** (*a*) Is the Hon'ble Member in charge of the Political (Jails) Department aware—

(*i*) that the prisoners' roll is called at the time of Mogrib prayer (sunset prayer) at the Mymensingh Jail during the winter season;

(*ii*) that the Muslim prisoners willing to say their prayers are not allowed to say their Mogrib prayer especially during the short days of December and January; and

(*iii*) that objections were raised by a Muslim jail visitor for removing this disadvantage?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking steps without delay for removing this disadvantage on behalf of the Muslim prisoners in the Mymensingh Jail?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) and (*ii*) No. The jail is locked up at sunset. Muhammadan prisoners are given full facilities for saying their Mogrib prayer and most of them do so inside the ward, after lock-up.

(*iii*) No.

*(*b*) Does not arise.

Sale of jotes in certain khas mahals of the Chittagong district for arrears of rents.

*30. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing from January, 1931, to the 22nd December, 1933,—

(*i*) how many *jotes* of Kutubdia, Cox's Bazar and Satkania *khas mahals* in the district of Chittagong were sold for arrears of rents; and

(*ii*) how many of them were purchased by the Government for want of bidders?

(*b*) Have the Government resettled those *jotes*?

(*c*) If the answer to (*b*) is in the affirmative, how many have been resettled?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*)

(*i*) Kutubdia	...	420
Cox's Bazar	..	1,277
Satkania	...	398
(*ii*) Kutubdia	..	268
Cox's Bazar	...	910
Satkania	...	305

(*b*) and (*c*) Steps have been taken to resettle the purchased *jotes* and up to date 39 in Kutubdia, 93 in Cox's Bazar and 145 in Satkania have been settled. The remaining cases are pending.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member kindly state whether any inquiries or investigations have been made to ascertain the reasons why such a large number of *jotes* were sold?

The Hon'ble Sir PROVASH CHUNDER MITTER: Some time ago we did inquire, but all the same I should like to have notice of this question.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is it contemplated to try to settle the *khas jotes* with the original or the old *Jotedars*?

The Hon'ble Sir PROVASH CHUNDER MITTER: As this is a matter more for the District Officers, I should like to have notice.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether it is not a fact that rents are very high in these cases, and that is the reason why they have been sold?

The Hon'ble Sir PROVASH CHUNDER MITTER: No; on the contrary, the rents are much lower in these *patas* than in the permanently-settled areas.

Vishnupur Zemindari.

*31. **Babu SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that when the Vishnupur Zemindari in the district of Bankura was sold, part by part, for default of revenue there was some money (*pain fazil*) in surplus of the revenue demand; and

(*ii*) that the amount has not been taken out by the *zemindar or* his heirs?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what was the aggregate amount of the surplus for the several sales of the *zamindari* of Vishnupur piecemeal; and

(*ii*) what was done with the money?

(*c*) Are the Government contemplating handing over the surplus amount to the legal heirs of the then *zemindar* Chaitanya Singh?

(*d*) Is the Hon'ble Member aware that the said heirs have been in straitened circumstances since the sale of their *zemindari*?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) and (*ii*) Government have no information on these points.

(*b*) and (*c*) Do not arise.

(*d*) No.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state whether there is any mention in Government records of this surplus amount of revenue?

The Hon'ble Sir PROVASH CHUNDER MITTER: As the alleged transaction took place more than a hundred years ago, we have not been able to find out anything.

Sale of mahals in Chittagong for default of revenue.

*32. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) how many *mahals* were advertised under Act XI of 1859 in the district of Chittagong for sale from the 6th November to the 24th November, 1933;

(*ii*) of those how many were—

(*1*) *noabad taluks*,

(*2*) *khas mahals*, and

(*3*) permanent estates;

(*iii*) what were the number of *mahals* sold in revenue sale during the said period; and

(*iv*) how many *mahals* had to be purchased by the Government for want of bidders?

(*b*) Will the Hon'ble Member be pleased to state whether so many *mahals* or more were ever advertised for sale in any other district of Bengal?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing with the names of the respective districts—

(*i*) how many *mahals* were advertised;

(*ii*) how many were sold; and

(*iii*) how many had to be purchased by the Government?

(*d*) Is the Hon'ble Member aware that the *talukdars* and *jotedars* and *izaradars* of Chittagong are not in a position to pay the revenue payable by them in these days of acute economic depression?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) 4,531.

(*ii*) Permanently-settled estates	...	1,114
Noabad taluks	...	3,417
(There is no *khas mahal* other than *noabad taluks*.)		
(*iii*) Permanently-settled estates	...	141
Noabad taluks	...	588
(*iv*) Permanently-settled estates	...	1
Noabad taluks	...	141

(*b*) No, but the district of Chittagong accounts for more than 30 *per cent.* of the total number of permanently-settled estates in the whole province and most of these estates are petty.

(*c*) Does not arise.

(*d*) No.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether there is any difference in the assessment in the case of permanently-settled estates and *Noabad taluks*?

The Hon'ble Sir PROVASH CHUNDER MITTER: I believe so.

Maulvi SYED MAJID BAKSH: Are the assessments in *Noabad taluks* much higher than in the permanently-settled estates?

The Hon'ble Sir PROVASH CHUNDER MITTER: As regards the permanently-settled estates, we cannot say anything definitely; but as regards *Noabad taluks*, they are regulated by Chapter X of the Bengal Tenancy Act, read with Regulation VII of 1822. However, Sir, this question cannot readily be answered.

Maulvi SYED MAJID BAKSH: Is it not a fact that the sale of such a large number of *Noabad taluks* is due to default on account of the levy of high assessment of rent?

The Hon'ble Sir PROVASH CHUNDER MITTER: Certainly not due to the high assessment of rent. In the case of the permanently-settled estates people take more care than they do in the case of *Noabad taluks*, because the former are better properties, as their revenue is not liable to periodic increase.

Maulvi SYED MAJID BAKSH: Might I inquire what does the expression "better properties" mean? Does it mean that the permanently-settled estates yield more revenue than *Noabad taluks*?

The Hon'ble Sir PROVASH CHUNDER MITTER: Not necessarily; I have already answered that part of the question.

Haji SADI AHMED CHOWDHURY: (The question was put in Bengali.)

The Hon'ble Sir PROVASH CHUNDER MITTER: A large number of properties have not been actually sold, though quite a good many of them have been advertised.

Remission of rents of Noabad taluks.

*33. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether he is aware which of the lands of the *mauzas* of Kutubdia, Cox's Bazar and Satkania *khas mahals* were washed away by unusual saline water in the months of *Aswin* and *Kartik* last and the cultivators as a consequence could not get any paddy therefrom?

(*b*) What arrangements do Government propose this year for the remission of rent of the *noabad* lands affected thereby?

(*c*) Is not the Hon'ble Member aware that most of the people of the affected area are illiterate and have not brought these facts to the notice of the Government?

(*d*) Are the Government considering the desirability of making an inquiry and of remitting rents of the affected area this year?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No lands of the *mauzas* of Kutubdia were washed away but an unusual rise in the sea in the months of *Aswin* and *Kartik* last caused breaches in private embankments through which saline water entered into paddy fields and considerably damaged the crops in parts of six *mauzas* of Kutubdia police-station and ten *mauzas* of Chakaria police-station.

At Cox's Bazar some areas which are close to the sea and river have been affected by inundation of saline water, but in no instance were the crops of an entire village damaged.

No *mauza* as a whole under the Satkania *khas mahal* has been washed away by saline water. The paddy crop was damaged in ten *mauzas* of Banskhali police-station, but the area affected does not exceed 2,000 acres.

(*b*) Petitions for remission have been received from the tenants and are being considered on their merits by the local officers.

(*c*) No.

(*d*) In view of the reply to (*b*) the question does not arise.

Howrah Bridge.

*34. **SETH HUNUMAN PROSAD PODDAR:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware that considerable hardship is experienced and severe loss suffered by persons engaged in trade and commerce in the case of breakdowns of even a temporary character of the present machinery of the Howrah Bridge, resulting in the stoppage of all traffic over the bridge beyond the scheduled time notified for the day in the newspapers?

(*b*) Have the Government considered whether in cases of such breakdowns, a better arrangement might not be made for transhipment?

(*c*) Are the Government considering the desirability of doing something to remove this grievance either by increasing the number of ferry steamers when such breakdowns occur or otherwise?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) Breakdowns even of a temporary character, inevitably cause inconvenience; but in the majority of cases in which the opening of the bridge is delayed beyond the advertised time the delay is due to the tide being later than predicted. In 1933, for example, there were sixteen occasions on which the opening of the bridge to vehicular traffic was delayed beyond the advertised time. On fourteen of these occasions the delay was only 10 to 12 minutes and was due to the tide; on each of the other two occasions the opening was delayed for about two hours owing to an accident.

(*b*) Accidents involving delay in the opening of the bridge are rare and it is considered that the ferry steamers provide suitable arrangements for transhipment.

(*c*) Any justification which may have existed for the purchase of an additional ferry steamer has been removed by the decision to build a fixed bridge.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state when this "fixed bridge" will come into existence, if at all?

The Hon'ble Mr. J. A. WOODHEAD: I am afraid, Sir, I cannot give a definite answer to that question.

Mr. NARENDRA KUMAR BASU: Might I inquire when the building of the "fixed bridge" will be commenced?

The Hon'ble Mr. J. A. WOODHEAD: Again, Sir, it is impossible for me to give a definite answer to that question

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state what is the amount involved in the construction of the permanent bridge?

The Hon'ble Mr. J. A. WOODHEAD: Again, Sir, I cannot give a definite figure; it is a very large sum.

Mr. NARENDRA KUMAR BASU: Beyond coming to a decision to have a "fixed bridge," have the Government done anything?

The Hon'ble Mr. J. A. WOODHEAD: Oh, yes, a great deal.

Mr. NARENDRA KUMAR BASU: Can the Hon'ble Member give us some idea as to what this great deal of work is, excepting, of course, the working out of figures in the Secretariat?

The Hon'ble Mr. J. A. WOODHEAD: I might inform the hon'ble member that designs are expected shortly, and after that tenders will be called for.

Mr. P. BANERJI: What is the object of Government in building "fixed bridge"?

The Hon'ble Mr. J. A. WOODHEAD: To provide a better bridge.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Financing Road Development schemes by means of loans.

18. **Mr. W. H. THOMPSON:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware of the favourable offer made by the Hon'ble Member for Finance with the Government of India at the Road-Rail Conference in April for the financing of Road Development schemes by means of loans?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether any steps have been taken for carrying out a comprehensive survey, within the Bengal Presidency, of schemes which might be financed from such loans?

(*c*) If no steps have been taken yet, what are the reasons?

(*d*) Do the Government intend taking such steps? If so, when?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) The "offer" to which the question is understood to refer was to the effect that the Government of India would greatly welcome the opportunity of inaugurating constructive work by means of loans if projects could be put forward which would satisfy certain conditions.

(*b*) and (*c*) No. Government do not consider that any purpose would be served by undertaking a comprehensive survey in the present state of the provincial finances.

(*d*) Government are considering the utilisation of a part of the proceeds of the motor vehicles taxes with a view to financing loans for the construction of bridges and Commissioners of Divisions have been asked to prepare lists of projects which might be financed from such loans.

Mr. C. R. DAIN: Will the Hon'ble Member be pleased to state whether it is not a fact that the British railways were constructed out of fixed or borrowed capital?

The Hon'ble Mr. J. A. WOODHEAD: I believe so.

Mr. C. R. DAIN: Will the Hon'ble Member be pleased to state whether it is not a fact that the vast majority of Indian railways were constructed on loan capital guaranteed by the Government of India?

The Hon'ble Mr. J. A. WOODHEAD: I do not know what portion of the capital was guaranteed, but I agree that the majority of the railways were dealt out of loan capital.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state the reason why Government are not so very keen in making a comprehensive survey for the development of roads?

The Hon'ble Mr. J. A. WOODHEAD: I would refer the Khan Bahadur to my answers to (*b*) and (*c*).

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not a fact that the present state of provincial finance has nothing to do with loan projects so far as road development is concerned?

The Hon'ble Mr. J. A. WOODHEAD: No, I do not agree, because the charges of the loans will have to be met.

Khan Bahadur Maulvi AZIZUL HAQUE: Will it not be possible for Government to request the district boards to meet the recurring expenses to be incurred in connection with such loans?

The Hon'ble Mr. J. A. WOODHEAD: I think the hon'ble member is connected with the District Board of Nadia, and I have little doubt that he would be the first person to say that at present the district board cannot afford to meet the charges on such loans.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state whether a list of projects have already been received from Commissioners of Divisions, and, if so, from which divisions?

The Hon'ble Mr. J. A. WOODHEAD: All the replies have not yet been received as yet.

Classification of convict Bishwa Ranjan Sen.

19. Babu SUK LAL NAG: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) whether any modifications or amendments have been made since 1931 in rule 625A of the Bengal Jail Code regarding the classification of prisoners after conviction and during trial;

(*ii*) whether the Government are satisfied that in all cases of conviction and remand to *hajat* Magistrates act according to the rules in the Jail Code in the matter of classifying prisoners;

(*iii*) whether it is a fact that Srijut Bishwa Ranjan Sen, B.A., son of Professor Satyendra Nath Sen, M.A., M.L.A., was convicted by a Magistrate of Basirhat in May or June last, but was not classified; and

(*iv*) whether a petition was submitted to Government by Srijut Nagendra Nath Sen, B.L., ex-M.L.C., eldest brother of the prisoner's father, for the classification of the said prisoner? If so, with what result?

(*b*) Is there any rule in the Jail Code or anywhere under which the authorities are entitled to refuse to entertain any representation unless the same is made by the prisoner himself?

(*c*) Is the said prisoner still in jail?

(*d*) If so, in what division?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) No.

(*ii*) Government have no reason to suppose that the rules are not generally observed.

(*iii*) Yes, but he was classified as Division III prisoner under the ordinary rules.

(*iv*) Yes. He was informed that Government are unable to enter into correspondence with relatives regarding the classification of a prisoner and will act on a petition only from the convict forwarded through the usual channels.

(*b*) Government have full discretion in the matter, but they do not, as a matter of normal procedure, consider it expedient to act on applications save from the prisoners concerned.

(*c*) Yes.

(*d*) Division III.

Babu JITENDRALAL BANNERJEE: With reference to (*a*) (*iv*), will the Hon'ble Member be pleased to state whether the petitions always emanate from the prisoners themselves and not from their relatives?

The Hon'ble Sir PROVASH CHUNDER MITTER: Sometimes the prisoner himself does not want to be classified.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member please state whether it is not a fact that the prisoners are sometimes not aware of the fact that there is a system of classification under the Jail Code?

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not think so. The papers are always available to them.

Babu JITENDRALAL BANNERJEE: I might point out to the Hon'ble Member that under the provisions of the Jail Code every prisoner ought to be supplied with the Jail Code Rules.

The Hon'ble Sir PROVASH CHUNDER MITTER: Possibly.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member aware that they are never supplied with such copies?

The Hon'ble Sir PROVASH CHUNDER MITTER: I should like to have notice of this question.

Détenu Nirmal Chandra Das.

20. Babu SUK LAL NAG: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Srijut Nagendra Nath Sen, B.L., ex-M.L.C., of Khulna, applied on 14th September, 1933, for permission to interview certain détenus in the Deoli Jail?

(*b*) Was Nirmal Chandra Das one of those with whom interview was sought?

(*c*) When was the reply to such petition sent?

(*d*) Was the prayer for interview disallowed?

(*e*) If the answer to (*d*) is in the affirmative, on what date and on what ground was the prayer rejected?

(*f*) Is it a fact that Nirmal Chandra Das had been sent to Ajmer for treatment?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state for what disease he has been so sent for treatment?

(*h*) Will the Hon'ble Member be pleased to state the details about the state of health of the said détenu since his return from Ajmer to the Deoli Jail?

(*i*) Is it a fact that the father of the said détenu and the détenu himself have petitioned Government for further treatment of the détenu at Calcutta?

(*j*) What is the medical opinion with regard to the said détenu's state of health?

(*k*) Are the Government considering the desirability of publishing the rules and regulations regulating interviews with détenus?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) and (*b*) Yes.

(*c*) 21st October, 1933.

(*d*) Yes.

(*e*) 21st October, 1933. Government are not prepared to publish the reasons for the refusal of interviews in individual cases.

(*f*) Yes.

(*g*) The détenu was sent to the Ajmer Hospital for operation for appendicitis in July, 1933.

(*h*) and (*j*) I have communicated such information as I possess to the Hon'ble Member.

(*i*) Yes. The matter is under consideration.

(*k*) The rules and regulations regarding interviews with détenus in Deoli Jail were published in Part IIA of the *Gazette of India*, dated May 14th, 1932.

Publication of sale proclamation notices in local newspapers.

21. Babu SUK LAL NAG: (*a*) With reference to his answer (*c*) to question No. 12 asked on the 15th August last, will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the Government have arrived at any decision regarding the question of framing a rule providing for the publication of sale proclamation in local newspapers?

(*b*) If the answer to (*a*) is in the negative, when do the Government expect to come to a decision on the point?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No final decision has been arrived at.

(*b*) Very shortly.

Babu SUK LAL NAG: Will the Hon'ble Member be pleased to state whether he feels any difficulty in publishing the sale proclamation notices in local newspapers?

The Hon'ble Sir PROVASH CHUNDER MITTER: The matter is still under consideration by the High Court as a result of the correspondence between Government and the Hon'ble the High Court. We expect to hear very soon of favourable orders on the subject.

Ashanulla School of Engineering, Dacca.

22. Maulvi ABDUL GHANI CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the rules as to leave of the *mistries* of the Ashanullah School of Engineering, Dacca, treated on temporary basis; and

(*ii*) how far the proposal for the increment of the pay of the *mistries* has progressed?

MEMBER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*i*) and (*ii*) The member is referred to the reply given on the 13th March, 1933, to unstarred question No. 30 of Rai Sahib Rebati Mohan Sarker on the same subject. The position has not altered since then

Electric supply to the suburban areas of Calcutta.

23. Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to state whether it is a fact that the Calcutta Electric Supply Corporation supplies alternating currents to the suburban areas of Calcutta?

(*b*) Is it a fact that there is a greater danger involved in the use of alternating current than that involved in direct current?

(*c*) Has the attention of the Hon'ble Member been drawn to the cases of electrocution in the use of alternating current?

(*d*) If so, will the Hon'ble Member be pleased to state the result of Government investigation into the cases?

(*e*) Are the Government considering the desirability of making an investigation and of taking proper steps for the stoppage of this sort of supply?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) Yes, to some suburban areas.

(*b*) The member is referred to the reply given to a similar question asked by Mr. S. M. Bose (starred question No. 41) in this Council on the 30th November, 1932.

(*c*) Yes; all electrical accidents are reported to the Chief Electric Inspector, who submits statements to Government.

(*d*) All the accidents were investigated by the Electric Inspection Department. The reports of the Department show that the fatal accidents were mainly due to negligence or non-observance of the rules by the persons meeting with the accidents, or by consumers.

(*e*) No.

Mr. S. M. BOSE: With reference to answer (*c*), will the Hon'ble Member be pleased to state if all the electric accidents resulting in deaths happened in the case of alternating currents only?

The Hon'ble Mr. J. A. WOODHEAD: I do not think so; not all.

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Criminal Law (Amendment) Bill, 1924.

(The discussion of the Criminal Law (Amendment) Bill, 1924, was resumed.)

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Mr. President, Sir, I rise to say a few words in regard to the point at issue, especially on behalf of the few members on this side of the House, so that they may not be misunderstood. Sir, it is the duty of every citizen—nay, every adult member of a family, without caste, creed, colour or race—to see that the terrorist activities, which are undermining the national growth and social development, should be chucked off from the land at an early date. Sir, it is also the duty of every member of this House to see that Government should be given such powers as it will be necessary to cope with the activities of the terrorists. But at the same time, I submit, Sir, that it is the duty of every member of this House to examine the question in such a manner so that Government should not be armed with powers in excess of what are absolutely necessary for the suppression of the terrorist movement.

As the Bill stands at present, we feel that in some clauses excessive powers have been incorporated. It is, as the proverb goes, মাছি মারতে কামান দাগা, which, freely translated, would mean to use gun in order to kill a fly. For example, there are clauses in the Bill which provide for capital punishment for offences which should be dealt with leniently; it is too much for us to swallow such provisions. Sir, capital punishment is reserved for murderers and for those who aid and abet murders. Lately, we have extended this punishment to those who attempt to commit murders. Now, Sir, it is going to be extended to another class of persons, viz., to those persons who carry revolvers or pistols with the intent to commit murders—that is too much.

Sir, at present throughout the civilised world capital punishment is looked at askance and has been discouraged by people—by the most civilised people; in fact, there are countries where it has been abolished, and also there are countries where the proposal to abolish it is on the tapis. But, in spite of all these, we are asked to insert capital punishment for comparatively less heinous offences. This is very regrettable. Sir, I will not go into detailed criticisms of various clauses at this stage, but we may say that we cannot fully agree to the proposed provision about the publication of news in the newspapers; we cannot also agree to the provision relating to the possession of certain kinds of literature. Sir, these provisions—these drastic measures—should be carefully considered, and in our opinion they should be modified when it finally emerges from the Select Committee. Sir, we have no objection to send this Bill to the Select Committee, where we feel that the Bill will be modified. I have confidence that the Bill will be carefully considered clause by clause by the Select Committee and when it emerges from it, it would be shorn of many features which are considered objectionable at present. In case the Bill, after examination by the Select Committee, does not satisfy us, there is sufficient time for the House to modify it. The House may even reject the Bill. (MAULVI SYED MAJID BAKSH: "After sending it to the Select Committee?") Yes, after it will be emerged from the Select Committee. As we are convinced that additional powers are necessary to combat terrorism, we consider it to support the motion of Mr. Reid. So, Sir, I do not think that we should be justified in opposing the motion for referring the Bill to the Select Committee.

With these few words, Sir, I support the motion for reference of the Bill to the Select Committee.

Mr. J. N. GUPTA: Mr. President, Sir, I think it my duty to make a few observations on this important subject, which has naturally excited so much interest in this House. At the very beginning, Sir, I can

assure the Hon'ble the Home Member that I fully appreciate his ardent appeal that we should visualize the danger—the menace—to which this province is exposed by the terrorist movement; and that if we find that the danger to the whole State is so imminent that in the larger interests of the State, it becomes necessary to curtail the privileges of the individual to some extent, we should not shrink from making that sacrifice. Sir, I have all along held that this terrorist menace is one of the greatest difficulties in the path of our national progress at the present time, and that unless Government and the leaders of public opinion of all communities combined and bent all their energies to eradicate this evil, the future of this province is very dark indeed. Apart from the inroads on the slender finances of this province, made by the measures necessary to grapple with this evil, resulting in the utter neglect of our most pressing and crying needs, the terrorist menace is slowly, but surely, sapping the manliness of the entire youth of Bengal, and, furthermore, it is not only casting a slur on the fair name of this province throughout the civilised world, but it is also standing in the way of our gaining whatever response we might expect to those demands for the political progress of the country which we have been strenuously making all these years. If this is an evil of such a gigantic character, as the Hon'ble the Home Member himself realizes, it is only proper that we should approach this evil and discuss its remedies in a dispassionate manner and not be led away by any panicky hurry, a point on which emphasis was rightly laid by my friend, Mr. Jatindra Nath Basu yesterday.

Sir, what is it this motion demands? The motion demands that this important Bill—so intricate and so full of drastic changes in the present law—should be referred to the public for eliciting opinion. Government have all along complained that public opinion has not done its duty in supporting Government in the arduous task of fighting terrorism. If that be the view of Government, will not they be placing themselves in a very false and awkward position, if in this case public opinion is not given a chance to express itself? Sir, I therefore, strongly support the motion. There may be some delay, it may be that we shan't get any forrader; on the other hand, we may be able to get some sound and good advice. Even if our expectations are belied, it is our duty to give the public a chance and to send the Bill to the public for an expression of its opinion.

At the present stage, Sir, I do not consider it necessary to examine in detail all the provisions of the Bill. Nor do I think that I shall be justified in anticipating what the verdict of public opinion will be on the various provisions of the Bill. But taking even a broad and cursory view of the provisions of the Bill, I should say that those clauses which deal with the deterrent powers of the Government seem to me to be far

more debatable and of far more doubtful value than the preventive clauses. The preventive clauses, if wisely used, may be able to help us to a great extent in preventing youths, over whom sufficient control cannot be exercised by their own guardians, from straying into the wrong path. The deterrent clauses, however, may have to be considerably modified, and some of them withdrawn. But as I have said I do not wish at this stage to dilate on the various clauses of the Bill. After public opinion has been invited and has been received and after the Bill has gone to the Select Committee and when it comes back to this House for full discussion, it will be time enough to discuss the provisions piecemeal. As regards public opinion as I visualise it, it will probably take its stand on three central points: First of all, the public will probably lay great stress on the necessity of taking such extravagant powers and piling legislation on legislation to such an extent that the moral sympathy of the people might be ranged on the side of those very people against whom these powers are sought to be exercised: that will be a psychological evil which is not to be ignored. It has sometimes been said that there is at least a certain amount of secret sympathy shown with the terrorists by the general public. But if you take powers—as my friend Mr. Narendra Kumar Basu said the other day—which are unknown in the history of the legislation of any other civilised country, which are so drastic as to shock our moral sense altogether, is it unreasonable that human sympathy, which is always ranged on the side of the downtrodden and the weak, should ultimately be ranged on the side of those against whom you want to rouse public opinion, and against those who are fighting that evil? Sir, the second point on which public opinion will probably have a good deal to say, is that under the cloak of fighting terrorism we must not do anything which will trench on the slender liberties which the people of this province still enjoy. Those sections which deal with the Press are such as ought to be very carefully examined. No advantage will be gained by emasculating the Press or enforcing upon it the wishes of the Government to an extent which would deprive them of all independence and initiative. The task of forming public opinion at the present moment is so very important and the rôle which the Press can and ought to play in this matter is so very great, that we should not light-heartedly enter into such legislation as will alienate the sympathy of the Press. I have already noticed a remarkable change in the views of the Indian Press as far as terrorism is concerned. It is our duty to encourage them to feel with us, to realise that it is their duty to save the youths and save the province, and not to lay down hard-and-fast orders which they must obey whether they like them or not. The third point on which I would like to make a few observations, and on which the public will assuredly lay great emphasis is that, while taking recourse to these drastic measures you must not forget that the main cure for the evil must be

sought in other avenues and must go down into a deeper strata; and to which I am glad to say that the attention not only of His Excellency the Governor but of His Excellency the Viceroy also, has been recently drawn. When some time ago I laid stress on the unfavourable economic conditions which drive some of our young men to the path of terrorism, some of the Anglo-Indian papers thought I was not trying to face the real issue. But I hope now that the highest authority in the land has pointed out the close connection that there is between the circumstances which make it possible for recruitment to the ranks of the revolutionary to go on and this gigantic evil, these critics will not be so glib in their comments. But, Sir, it is one thing to admit the deeper causes of the evil and quite another thing to take prompt, comprehensive and necessary action in this direction. While we are busy in heaping legislation on legislation, while crores of rupees have to be spent, and necessarily spent I must admit, in maintaining an already too costly police, how little, alas, is being done to help our young men! It is on this aspect of the question that public opinion will be greatly exercised. Sir, I do not wish to labour the few observations I have made. But I will make one final appeal to Government and to the people, because I very strongly hold that it is the duty of the public, probably more than of the Government, to help our young men, to come out of the abyss into which they have fallen. It is not simply by forging harder fetters for the few who have erred, but in trying to help and raise the majority of our young men who are struggling against dire poverty, who have no hope and no future, so that they may be able to take a more courageous view of life and be inspired by a more robust patriotism that the future of the province entirely lies. With these words, Sir, I would request the Hon'ble Member to carefully consider whether he will not gain more than he would lose by circulating this Bill for eliciting public opinion.

Mr. SARAT KUMAR ROY: Sir, it is very unfortunate that the Bill before the House has roused rather unpleasant feeling, nay, acute uneasiness both in and outside this House. But, Sir, however much we may deplore the necessity of placing such a measure on the statute book, call it drastic in the extreme, a slur on the nation and all that, yet we cannot ignore the necessity that has urged the Government to take to such a course as this. We have to admit that the terrorist movement in Bengal can no longer be regarded as ephemeral. Year after year it manifests itself in an aggravated form and its spectral figure is traced in the insecurity of property and person from which the province suffers.

Sir, official reports and particularly the reports of the police administration of this province for the year 1931 depict, indeed, a very sad state of things and in which, I think, no Government, conscious of its responsibilities for the maintenance of law and order, can and

ought to sit idle. It is therefore no wonder that the Government of Bengal has thought it expedient to take to strong measures to cope with the situation.

Although the Hon'ble the Home Member has already explained to this House in detail the real situation in the country, I may be permitted to quote small extracts from the Police Administration Report of Bengal for 1931:—

"The release, under the Amnesty of 1,262 persons, interned under the Defence of India Act, began in December 1919... . . Though the terrorist parties had received a paralysing blow by the internments under the Defence of India Act... nevertheless they immediately began to organise their parties ... . In 1923 a fresh series of terrorist outrages began .. The situation became so serious that special legislation in the form of an ordinance was promulgated in October 1924."

The result of this step was best evidenced by the fact that "between October, 1924, and the end of 1928, one person only was murdered by the terrorists." Indeed, the situation did certainly improve and this was due to vigorous action then taken under the new law

Then, again, all State prisoners interned under Regulation III of 1818 and all those who were interned under the 1924 Ordinance and the 1925 Criminal Law Amendment Act, were released in 1929; this was followed by the Chittagong Armoury Raids, which gave fresh impetus to the growth of terrorist movement in the province and in 1930 the total number of outrages amounted to 36 It is, therefore, abundantly clear that on the expiry of every temporary measure, terrorism raised its head, and that in an aggravated form.

Sir, it may be said that Bengal is not Ireland and we ought not to draw an analogy between the two countries But still, to illustrate my proposition, I would place before the House certain facts that took place in Ireland. There too, Sir, the Public Safety Bill—a measure similar to that which we have now before us, was passed for a limited duration, and, curiously enough, the same thing happened there. Soon after the expiry of the Act, troubles arose again and the Government was once more constrained to take powers under a fresh Public Safety Act.

I do not like to take up the time of the House by going into the details of these Legislative measures. Sir, although I may not agree to the juristic principles involved therein, yet I may safely say that this much is clear that in the present situation of the country and particularly having regard to the gravity of the evil it forbodes, a legislative measure in the shape of a temporary expediency has always proved a failure. Hence, I am rather inclined to set down some permanent remedial measure in the statute book.

But, Sir, I cannot endorse the views of the Hon'ble Member in charge of the Bill and support all the remedial measures he has provided for in the Bill.

It is a clear principle of jurisprudence that the same set of laws cannot be applied for the administration of a country as can and ought to be applied in a country to put down an open rebellion. The necessity for the laws that had to be enforced in Ireland arose out of open military operations in an aggravated form adopted by a large section of the civil population. Here the situation in Bengal is just the reverse. A negligibly small percentage of people might be accused to have taken to a course such as what was broadly adopted by the civil population of Ireland.

But Sir, I beg to submit, the majority of the population of Bengal are still the most law-abiding and loyal set of people one can find in the world. Hence, the application of the law to such a set of people should always be tempered with justice, and expediency should not be the main guiding factor, although in certain cases it may be an important factor. And with such views as these, I do not think it is advisable to insert such provisions in the Bill as that for inflicting capital punishment on a person for illegal possession of arms. The situation in Bengal is not certainly so grave as to call for it.

Juristic principles demand that in the administration of law over a civil population, the gravity of the offence should always determine the extent of punishment, and, Sir, capital sentence should always be reserved for meeting extreme cases only. Whatever might be the initial motive, the mere possession of arms, though illegal, may not be followed by any such grave offence as murder at all; and clearly, therefore, the same punishment should not be inflicted upon the culprit as would be justifiable on his committing murder, specially when it is seen that these persons are generally misguided youths. In such cases and to meet expediency, long term imprisonment may be safely deemed adequate and in my opinion the Bill ought to be amended accordingly.

I may mention, in the next place, another item of the Bill which appears to be highly objectionable, *viz.*, the insertion of new section 35 (*I*) proposed in clause 26 of the Bill, whereby very wide powers are reserved for punishing people for possession of literature such as many innocent people may chance also to possess. Such literature as this may be harmful while in the hands of innocent people who do not share their views. Although there are safeguards in section 36 (*I*) and (*II*) against any mis-use of powers under section 35 (*I*), still I think the proposed section as provided for in the Bill is amenable to improvement.

But Sir, these are some of the reasons for referring the Bill to a Select Committee of our representatives and not for throwing it off

at this stage. Let them examine it in detail and place their suggestions before us; and I am confident that if the Bill is thus shorn of its defects, it will be acceptable to all sections of the House.

With these remarks I oppose the motion for circulation, and I support the motion for reference of the Bill to a Select Committee.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I rise to oppose the motion for circulation for eliciting public opinion. I do so, Sir, not because I think that the Hon'ble Home Member is the emporium of all wisdom, not because that we are in duty bound to obey his lead, but because I feel that we shall fail to discharge our responsibilities if at this juncture we do not give support to our executive in their difficult task of combating the forces of lawlessness and disorder and of eradicating, root and branch, the insidious poison of anarchy and terrorism which is eating into the vitals of the political, social and economic life of this province. No one likes such measures in normal times under normal conditions. We are, Sir, at the present moment not under normal conditions and these extraordinary measures are required to meet extraordinary conditions. Mr. P. Banerji yesterday has characterised this Bill as the blackest Bill, but I venture to remind him that he has forgotten that the crimes which this Bill is intended to frustrate are the blackest that have ever been committed in any part of the world.

This is not the first occasion that we have had to deal with such repressive measures. The objections and criticisms which we heard here during the course of this discussion we have also heard before. But theories apart, we cannot say that in their actual application the repressive measures have either harassed or punished innocent people to any large extent nor has any great harm been done to the law-abiding people. (A VOICE: "What about the punitive tax at Chittagong?") Sir, that was not under the provisions of the present Act; that was under the ordinary Act.

It has been said that these repressive laws have done no good at all in the past and, therefore, such a repressive measure will do no good in future. This is not correct. As was stated by the Hon'ble Mr. Reid, there has been a marked improvement in the political situation. We have not had so many major outrages in 1933 as before and the civil disobedience movement which was the incubation ground of anarchy and terrorism has practically disappeared; and therefore it will not be right to say that with larger powers given to the executive they will not be able to control conditions better than they have been able to do. It has also been said that the necessity for the enactment has not been made out. The Hon'ble Home Member told us that there is a deep-rooted conspiracy in existence and recruitment to the rank of terrorist is going on briskly and the position is still dangerous. We

also know that this is a fact. But even if we did not, we ought to accept the facts from those whose business it is to know. The Hon'ble Member with his expert advice is in a position to know and we have no grounds to contradict him and say that the necessity does not exist. As one who had to deal firsthand with terrorism and anarchy, I assure the House that it is no pleasure to any member of Government or any official to ask for and exercise powers which at ordinary times would be considered repressive and unconstitutional. But necessity has its own law and cannot be ignored. It is not fair to look at the measure as if it was to confer on the officials, Britishers or Indians, any special boon or any privilege which they will relish. After all, no official secures advantage or benefit by harassing innocent people.

While I support the reference of the Bill to a Select Committee, I may not be misunderstood to support all the provisions of the Bill. There are certain provisions which I consider unnecessarily harsh and drastic, and these must be amended before the Bill can be passed into law. The death punishment for Arms Act offences, for instance, cannot be accepted. Similarly, the provision for possession of forfeited literature is extremely harsh and may be very harassing to innocent people. There are some other provisions also which should be modified. All these can be done in the Select Committee without recirculating the Bill for eliciting public opinion.

It was painful to me to listen to the sweeping denunciation of the magistracy and the judiciary by such eminent lawyers as my friend Mr. Narendra Kumar Basu and Mr. Fazl-ul Huq. If there is one body which commands universal respect and to whom we all look up to for evenhanded and impartial justice, it is the judiciary of this province, and it is extremely regrettable that not only the subordinate ranks of that body but the highest court in the land should be spoken of so lightly by such eminent members of the House. It is only by a fluke which I consider unfortunate that my friend Mr. Basu and Mr. Huq missed a seat in the Bench of the High Court. I wonder if there was not this unfortunate miss, they would still have the opinion of that body which they expressed yesterday It is not fair to say that the Special Commissioners who are usually appointed to try these political cases are men who have no judicial training and who lack judicial temperament. It will be doing less than justice to them if I did not repudiate in the strongest terms the aspersions levelled against them. I have personal knowledge of many of them and have no hesitation to say that most of them combine in themselves legal acumen with vast experience of men and things and are eminently fitted to take a just and proper view of the cases placed before them.

I regret very much that my friend and leader Mr. Fazl-ul Huq did not hesitate to fling some of his spare mud on the personnel of the

Select Committee which he characterised as a "packed committee" of Rai Bahadurs and Khan Bahadurs. Though one of the latter, I don't object on personnel to his remarks, as I do not put any high value on my own ability. I am, however, constrained to say that my friend has done great injustice to the members of the proposed committee by insinuating that they will not act independently in this matter. No one will deny that Mr. Fazl-ul Huq would have been a great acquisition to this Select Committee or to any committee and, if he would consent to work on it I have no doubt everyone will welcome him. The difficulty, however, is that Mr. Fazl-ul Huq is a busy man with no leisure and many distractions and finds it impossible to attend or work on any committee. As he is not available, one has to fall back on inferior men. Mr. Huq would not come in himself and does not like those who would do. In this particular case I think he dislikes the personnel of the Select Committee because he dislikes the Bill.

The position briefly is this; The terrorist and anarchist movements still exist; recruitments are still going on to their ranks. It is the opinion of the executive Government that with the powers they possess they cannot kill these activities. We have given them these powers in the past. They want further powers. Are we to refuse them now? If the terrorist movement goes on and is not killed, who in that case will be responsible? The executive Government would say: "We wanted these powers and if you don't give it we are not responsible." Is it desirable that we should hold back and sit tight and give voice to all sorts of political slogans, and theoretical ideals and say it is a bad law, so we won't have it? The immediate point for consideration, however, is whether the Bill should go to the Select Committee or be circulated for eliciting public opinion. I am strongly of opinion that by sending this Bill for publication for eliciting public opinion we will not go any further. I can understand the House throwing out the Bill altogether here and now, but simply to delay the passing of the Bill by sending it for eliciting public opinion will be undesirable. We know what sort of criticisms we will receive. We get the same opinion which we have got previously——

Mr. NARENDRA KUMAR BASU: Then never ask for any opinion for any Bill.

Khan Bahadur MUHAMMAD ABDUL MOMIN: We know what criticisms we received before on the subject; it would be a waste of time——

Mr. NARENDRA KUMAR BASU: On a point of order, Sir, is the hon'ble member in order to say that the time of the Council has been wasted by the members of the Council when they gave their opinion on the subject?

Khan Bahadur MUHAMMAD ABDUL MOMIN: You are wasting the time of the Council now, and I have also wasted 10 minutes of your time. I say that no purpose will be served, except delaying the Bill, by circulating it for eliciting public opinion. I therefore oppose the motion.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Mr. President, Sir, the debate on this matter has been rather amusing to me. Yesterday I heard a leader disowning three of his followers coming from the Proja Party, saying that they are not the people who are fit to sit on the Select Committee. To-day one of his followers has risen and said that the leader was wrong in his estimate (KHAN BAHADUR MUHAMMAD ABDUL MOMIN: "I did not say that.") of the calibre of his followers. Now one of the stalwarts is accusing me of not understanding him, but I believe I have tried my level best to understand him—at least I made an attempt, but whether I did understand him or not is a matter of opinion. The Bill that is before us can be divided into two parts: The first part simply deals with making some of the laws that were passed by this House permanent. As far as I have heard, the opinion of the several members who have spoken, especially the members from Chittagong and Comilla, they are of opinion that that part of the Bill, especially which wants to make certain Acts permanent, should be accepted. As for the other part of the Bill which aims at increasing the punishments for several offences which could have been dealt with under the ordinary Acts, it requires some consideration. That being the case, and especially as the time is abnormal, I think I shall not be wrong in accepting the opinion of these two members of the House and in saying that as they are really in the thick of the fight, their opinions are of very great value to us who are living at a distance from the place of action. As for the necessity of the present Bill, that has been questioned by several people As regards making some of the temporary measures permanent, I believe everybody will be unanimous in this matter, because Government is not really trying to get any new power from the House Government has got that power even now: they want simply to provide against the lapsing of the measures in future. So it is simply a precautionary measure and if in the meantime the anarchists will think of ceasing their activities, by 1935 when the new Council will meet I think there will be absolutely no difficulty for the new Council to repeal all of these measures. The question is whether Government can wait till then and await developments. There may be difference of opinion on this. People of my way of thinking may take some risk—businessmen are always prone to take risk—but there may be others who may not like to take risks. I do not blame anybody who says that he is not prepared to take risks. Is it not a fact that, however permanent a measure may be, it owes its existence simply to the vote of this House, and we can throw it out whenever the

necessity arises. So there is nothing permanent so far as this House is concerned. If the House wants in future to throw out the whole thing, there will be absolutely no difficulty in doing that. Attempts have been made in the past to conciliate the anarchists. I know, as a matter of fact, that every detenu was released from the jail and it was thought at that time that such release will conciliate the entire body of anarchists and that the country will have peace. But experience has shown that it is not so. Experience has rather shown that when the detenus were last released there was a raid at Chittagong. So this conciliatory measure has absolutely failed What else is left to Government to do? Are they to relinquish their duty absolutely and allow the anarchists to do what they like, or are they now to assert themselves and say that we will not put up with you anarchists? So if now the Government asks for certain powers from the House to deal with the anarchists, I think I shall not be justified in denying them that power, as I know to my intense regret that the conciliatory policy has wholly failed. That being the position, although I would say that I would give my wholehearted support to any new measure which the Hon'ble Member might bring forward for suppressing terrorism, I would at the same time ask him to be moderate in his demand, and if the matter goes to the Select Committee I would ask the members to see if they can meet the desire of those members who have expressed themselves and make it acceptable to the House so that it can be passed without a division. That will really be a statesmanlike disposal of the matter and I would ask the Hon'ble Home Member to see that unnecessarily harsh and useless matters really go out of the Bill I do not like to say which part is really obnoxious or unjust or wrong I leave it to the members of the Select Committee who will read the Bill and deal with it in a proper manner I am not one of those who seem to think that everyone is wrong and that he is the only exception. My friend Mr. Fazl-ul Huq from beginning to end has tried to show that he is the only man in the world who is right and the rest are all wrong. On the contrary, I belong to that school of thought who believe that everybody is right in his own way. With these words I would ask the House to send the Bill to the Select Committee without a division, and it is the duty of the Select Committee to improve the Bill in all its aspects.

Babu HEM CHANDRA ROY CHOUDHURI: Sir, all leading public men of this and other provinces have been condemning the terrorist movement in Bengal We have on many occasions condemned several outrages of the terrorists from the floor of this House. Only the other day Pandit Jaharlal Nehru who is known to hold an extreme view in politics, while addressing a meeting in Calcutta, condemned the movement as ineffectual and injurious to the best interests of the country. But the chorus of condemnation from the public and the

exceptional powers the executive have at their disposal at present could not prevent repeated outrages of the terrorists. In the absence of any other concrete scheme for crushing out the movement, the immediate necessity of which nobody denies, the only course left to us is to invest the executive with more powers of an autocratic character. There is no doubt that in spite of the best intention of the executive Government these powers are sometimes misused and the rights and privileges of the innocent people have sometimes to be crippled, and though I am alive to the fact that as the custodian of peoples' rights we are to oppose any attempted inroad on the legitimate rights of the people, the apprehension of the chaotic condition of the country the anarchists may lead to, if left unchecked, leaves no choice for us but to support the principle of the Bill. If any concrete scheme be placed before the House, which, if given effect to, would root out the disease without in any way limiting the rights and privileges of the people, I would be the first person to accord my wholehearted support to it. We often hear that transfer of more power to the hands of the people will be an effective measure against the evil. But can Bengal expect to have preferential treatment at the hands of the British people who are wonted to be terrorised by commission of wanton murders? Those who are familiar with British characteristics cannot be persuaded to believe that for fear of some assassinations they will abdicate their power in favour of anybody. It is not a fact that when the question of transfer of the portfolio of Law and Order in Bengal to a responsible Minister arose at the Round Table Conference, it was seriously disputed simply because terrorism has made a headway in the province? I believe terrorists also are intelligent enough not to entertain any hope for getting any political right by an attempt to terrorise the British people.

(The Council was at this stage adjourned for 15 minutes for prayer.)

(After adjournment.)

Babu HEM CHANDRA ROY CHOUDHURI: Sir, I was telling the House, when it adjourned for prayer, that the terrorists themselves are intelligent enough to understand that they cannot squeeze out any political right by terrorism. They are also intelligent enough to understand that every act of the terrorist is followed by lots of troubles, humiliation, loss of properties, etc., of innumerable innocent people. Do they then think that because some innocent people are often oppressed in course of tracing out the offender or checking the movement, a sense of hatred will be aroused in the mind of the mass against the Government? But condemnation of terrorist activities in unmistakable terms throughout the country and readiness of the

people to help the police in detecting the accused are not indications enough of the fact that the mass is intelligent enough to understand that their miseries are due to terrorists' activities and not to any action of the Government, which it could avoid. Some suggest that unemployment being the root cause of the evil, it will vanish with the solution of the unemployment problem. May I ask them, is the problem of unemployment peculiar to Bengal only; is it not worldwide? Is it not a fact that there are many involved in the terrorist activities who cannot be said to suffer from the sting of unemployment and are really above all wants? But it cannot be denied that unemployment has helped the recruitment of the members of the terrorist party. If that be so, is it not a fact that the unemployment problem cannot be effectively grappled with unless and until a calm atmosphere is restored in the province and the Government be free to divert the whole of its attention, energy and resources to tackle the problem. Time, energy and huge sums that are being spent by Government, which every good Government whether national or foreign must do, for securing safety of life and property of its servants and other people might have been well utilised in making provision for a number of unemployed youths by developing industries and agriculture of the province. There are some also who believe that suppression of the civil disobedience movement which was non-violent in character has helped the growth of the terrorist movement. May I tell them—Is it not a fact that the terrorists have no love for the civil disobedience movement but that taking advantage of the civil disobedience movement they pushed through their subversive movement?

But my support to the principle of the Bill should not be misconstrued as my acceptance of all the provisions of the Bill. There are some provisions which are really relics of the barbaric age—as the provision of capital punishment for possession of unlicensed firearms even where there may be grounds for suspicion that the possessor knew that those would likely be used for commission of the offence of murder or abetment of murder. We cannot support the dictum of "eye for eye and tooth for tooth" and above all "life for life" when many civilized countries are discarding capital punishment.

There are also many other objectionable features in the Bill and those must be removed before the Bill may be passed into law. But that does not justify us for supporting the motion for circulation. The measure is not a new one; it only supplements some of the existing laws. We have seen criticisms about it in some of the local newspapers. The Government is in possession of facts of indisputable authenticity. The Select Committee consists of members some of whom are eminent lawyers and able public men. We have no reason to doubt their patriotism. I have, therefore, no hesitation to believe that after the examination of the Bill by the Select Committee its

objectionable features will be removed. But unfortunately Mr. Fazl-ul Huq made some uncharitable and unjustifiable reflections against the proposed personnel of the Select Committee. If he can really convince the House that his grievance is real, he may get that remedied on the floor of the House. We may really differ in opinion, but we have no reason to doubt the fidelity of any member of the House to the cause of his motherland. If we find that the Committee failed in its duty, we shall have ample opportunity to give our united front and if necessary throw out the entire Bill even.

With these words I oppose the amendment motion for circulation.

Khan Bahadur Maulvi AZIZUL HAQUE: I am afraid that for the last two days some of us have discussed this measure by bringing in a good deal of heat and much more of passion and certainly an amount of personal reflections and counter-reflections which are not at all dignified to this House. I am glad that you, Sir, have been able to pull some of them up, but still the substratum that remains is such as is not suited to the dignity of a House that claims to be of a representative character. At the outset, while I discuss this measure I might make it quite clear that whatever may be the talks of this or that section of the House, we do not yield to anyone in this House in our feelings of patriotism or in our attention to the best interests of the country. I think it is only cruel, if nothing else, to have a fling and a cheap fling at the members of the House with a view to discredit it in the name of public opinion. Sir, after all the history of this Legislature and the history of men, of events and of affairs in this province is not unrecorded, and if that history has to be repeated in a place which is suitable, it is possible to give an effective reply to each and all of them. Sir, what is the scope of this Bill? If I have not misread the Bill, I find that one of its features is to give enhanced punishment under certain sections and in the case of certain offences, the chief of which are offences under the Explosive Substances Act and offences under the Arms Act. The second important provision of the Bill is the prohibition of the publication of certain matters of a revolutionary character and type, and of things which might have a revolutionary tendency in the long run and also the prohibition of newspapers and the Press from disclosing the identity of persons who have supplied materials to Judges who have tried certain offences. The third is the nature of the procedure in recording evidence and that method is the shorthand method, which is the modern method of reporting evidence. The fourth is that where a man has absconded and surrenders in the midst of a trial—a trial which is generally of a most protracted nature involving a large expenditure of public money, I will not say waste of public money—and in this connection my question will be, whether we should not try to find out some better method with

a view to avoid the expenditure of a large amount of public money. The fifth is in the nature of preventive sections aiming at the youthful offenders at a stage when they are just beginning to get the impress of terrorism and are likely to be hemmed in by them and also the taking of effective action to stop their association in certain places. The sixth is offences for being in possession of certain literature and the last is the nature of the sentences, which this Bill contains

I will deal with the first matter now.

First of all, the question of enhanced punishment, where a man is found in possession of firearms, revolvers, a pistol or a shot-gun, and where from the circumstances of the case it is clear that he meant to use them or had knowledge that they might be used for the purpose of committing a revolutionary crime, this section will operate. Sir, at the time when the Arms Act was promulgated, the number of arms in this country was not so very large as it is to-day; thanks to the liberal policy inaugurated by Government, the number of arms now is certainly much more than it was in the previous years. At the same time, one cannot forget the fact that of late crimes, in which firearms have been used, have greatly increased and the question for the House to decide is the question which has been presented by the executive in the form of the present Bill, viz., whether or not the time has come to effectively deal with such sort of crimes in which a man is in possession of unlicensed arms and in which the nature of the intention is clear beyond the shadow of a doubt. I do not mean to say that the section as drafted cannot be bettered, or that there is no scope or room for improvement, but what I am dealing with for the present moment is whether the time has come when some deterrent and effective punishment should be given to those who are found in possession of arms with a view to use them for the commission of revolutionary or terroristic activities; the necessity of such measures is admitted even by those who have opposed the Bill or who are in favour of circulation and who admit that there is terrorism in the country. It is also an accepted fact that there is no one in the country who is willing to keep this terrorism a moment longer in the land than he can possibly help. Sir, I think Indian opinion, so far expressed, has been unanimous in one respect, and it is that steps should be taken with a view to weed out terrorism root and branch from the country. That being so, Sir, the claim of the executive Government of this country that some more effective powers should be put in their hands by which deterrent and death sentences should be given to those who, though not actually committing a murder, but aid and are found aiding and abetting in the commission of the same in a form which is rendered possible by the possession of unlicensed firearms, does not seem to be unreasonable. It is on this issue that the question should be considered: all other

issues are foreign to the subject for the time being, *viz.*, whether or not this form of crime should effectively and adequately be dealt with.

I will deal with the question of the death sentence later on, because that is not peculiar to this section only, but applies to some other sections as well. But suffice it to say that even at the risk of being described by those who to-day have talked so glibly of public opinion. I fully associate myself with the view that the time has come when effective methods must be found out to deal with persons who have unlicensed firearms in their possession.

After all, Sir, whether the executive Government is British or Indian, whether the Government is responsible to-day or will be responsible in the future, public officials will remain where they are, whether they are Indians or Europeans, and the fact stands that certainly there has been a large number of Indians in the public services of Bengal at the present time than ever before. I was looking into the list of District Magistrates for the last few years and I find that almost half of them are Indians. The Provincial Civil Service is entirely run by Indians; that being so, is it not our duty to protect the lives and liberties of those who maintain law and order and carry on the administration of the country? Sir, is it not a fact that the lives of District Magistrates are very unsafe, that they cannot go to the cricket ground to see a cricket match, or move about freely or attend social functions? If that is so, is it not our duty to deal with these crimes so that they cannot recur? I have already said that I will deal with the death sentence later on, but the nature of other crimes is such that some form of deterrent sentence is also called for them.

Sir, it has been said by an eminent lawyer—I submit with infinite regret—that law is not bad, but that the administration of law is bad. But is the administration of law so bad after all as it is represented to be? Do we not know that there have been many murders in this land where the maximum of punishment, namely, the death sentence, has not been inflicted? Is it not a fact that the murderer of Mr. Stevens was not hanged? Is it not a fact that the attempts to murder Sir Stanley Jackson was not visited with the maximum of punishment and that all the accused in the Chittagong Armoury Raid Case were not similarly sentenced? Is it not also a fact that the man who attempted to spot Mr. Villiers was not sentenced to death? Surely, if these are facts, we cannot say that there has been no assessment of evidence in favour of the accused? It is idle to say that the judiciary of the present day has come to a stage in which their sense of proportion has vanished and that they are liable to rush to award death sentence to any accused that is brought before them.

If the judicial administration, which is more or less manned by Indians, has come to such a pass, there cannot be any greater indictment against our countrymen than this. After all, are we to support that our own countrymen have come to such a pass that, being invested with a vast amount of responsibility and power, they cannot discharge it but must look to the behests of the Secretariat? If that is so, I must certainly give expression to my feelings of shame and regret, but I am sure that it is not so. On the contrary, I believe and believe most strongly, that there is still the sense of dignity of the bar, still the sense of proportion in our judiciary and there is still an amount of caution in the executive of the present day. After all, Sir, it is easy to acclaim or declaim a thing by a general proposition, but this method cannot always establish the truth of universal propositions. For you will find that in spite of their denunciation, a great deal of caution has been exercised by the executive in such matters and that the sense of proportion still obtains in those who are administering justice to-day.

I will now deal with one other matter and that is the question of the death sentence. I do not, personally speaking, hesitate to admit that death sentence should be done away with in every civilised country, but so long as death sentence remains a feature of our statutes, the question whether it should be allowed to continue does not seem to me to be of much importance. But I do not think that simply by sending the Bill to Select Committee we shall be pledging ourselves to the provisions that death sentence must be given. Sir, the maximum punishment under the law should not be given, because human life is very precious, and I would be the last man to vote in favour of death sentence unless the situation is such that it is absolutely clear that there is no other alternative, but still I would do so with infinite regret.

There are certain features in the Bill which certainly require close examination. I would make my point clear by saying that that section which deals with the possession of books or seditious literature may certainly give rise to a discussion as to its necessity to the entire extent. I certainly feel that the section as it stands has been so drafted as to make it unnecessarily drastic and penal, but we are not discussing details at the present moment. What we are considering now is whether or not, with a view to combat terrorism and possession of literature under circumstances in which there is no room for doubt that those sets of literature were kept for the purpose of carrying on a propaganda of terrorism, such people should be punished. And I believe that there are no two opinions in this House that—provided it is made quite clear that the possession of such literature is solely for the purpose of carrying on a terrorist propaganda or to help or encourage its development, and if it is found by a properly constituted tribunal that such possession is intended to commit overt acts of murder—that the House will agree to such a provision. Those who say that

such legislation does not obtain in any civilised country in the world seem to me to have never looked beyond the Bay of Bengal or the Arabian Sea. We know as a matter of fact that much worse laws have been passed in Ireland of late, in Germany and in France. If legislation was not drastic in the European countries, we should never have heard of the sterilisation proposals in Germany; we should not also have heard of the many staggering proposals made in the Italian Parliament; nor should we have heard of General O'Duffy being treated in the way he has been treated. Legislation to-day has taken such a turn that the State does not look to the interests so much of the individual as to the interests of the society and the State. If that is so, we must say that we have progressed in legislation, but whether that progress has been on the right lines I do not wish to discuss. But that surely is the direction in which it is moving.

I will not take much of your time by dealing with any other sections, but I must say that if I give a general assent to the proposals in the Bill, I must not be understood as accepting the Bill in its entirety, but merely with a view to consider whether or not the time has come to deal with this revolutionary movement and to stop if possible the commission of such crimes as have been indicated in the Bill.

Mr. R. H. FERGUSON: Sir, I rise to support the motion before the House that the Bill be referred to a Select Committee.

The Hon'ble Mr. Reid has assured us that this Bill is necessary to deal effectively with terrorism Terrorism has now become such a menace that it threatens the peace and prosperity of this province.

The recently attempted outrage at Chittagong provides ample reasons why all law-abiding citizens should support Government in any steps they deem necessary for dealing with terrorism.

It may not be a matter of great importance to some persons if British women and children are shot down by these assassins, but, Sir, to my community it does matter, and I am prepared to arm Government with any powers which will rid Bengal of the curse of terrorism.

There is a proposal before this House that this Bill be circulated. We have been informed, on good authority, that the situation is grave and as circulation involves delay which will play into the hands of the terrorists, I strongly oppose this proposal.

Sir, the introduction of this Bill has given one hon'ble member the opportunity to indulge in wild statements with regard to the police and he fears that this Bill will lead to further intimidation by those responsible for the maintenance of Law and Order. The same member omitted, however, to make any mention of the intimidation carried on

by the terrorist party in many parts of the *mufassal*. This Bill will, I trust, in the end release these people from the terror of the terrorist and put a stop to the victimisation of loyal Indians.

Sir, Government have been accused of having no remedy for terrorism. This Bill may not be a remedy (I personally hope it will prove a lethal dose), but it does at any rate attempt to deal with the menace and that, I submit, is better than no attempt at all

One hon'ble member has been good enough to assure this House that the days of the British in India are over. I can assure this gentleman that he has assumed wrongly, that the British have no intention of departing and leaving him to the mercy of the terrorists

I offer my congratulations to the Hon'ble Mr. Reid for introducing this Bill and assure him of my full support

Mr. SYAMAPROSAD MOOKERJEE: In rising to support the motion before the House that the Bill be circulated for eliciting public opinion thereon I feel inclined to refer, in the first instance, to a most unwarranted remark which fell from the leader of the European Group, yesterday, namely, that if some members of this House found it to be their duty to oppose a Bill of this description, the conclusion was that they must have sympathy for the terrorist movement and further that the attitude of those members was one of great inconsistency, because while on one hand they opposed measures of this description, on the other hand, at the time of expressing their disapproval of foul murders they also joined others in expressing their sorrow and sympathy. Strange logic indeed, certainly not becoming a retired member of the Indian Civil Service That sort of opinion has been expressed on the floor of the House on more occasions than one, and I feel it my duty to repudiate the suggestion which has been made by the hon'ble member.

Sir, I do not want to enter into the delicate question as to the motives which impel a member to make such an unworthy aspersion on his colleagues, but I would ask seriously the members, who spoke in that strain, certain questions. Sir, who suffer most from the existence of the terrorist movement in this province? Whose interests are being seriously jeopardized? Surely, it is the interests of the children of the soil, of us who have lived here for generations and who have to live in this country for generations yet to come, if allowed. It is our interests which are vitally at stake, not surely the interests of our friends over there. For after all what are they? Mostly adventurers and exploiters, perhaps at best the propounders of a long-exploded theory of trusteeship which no Indian believes nowadays. Therefore, Sir, if realising the consequences of the menace, we find it incumbent upon us to oppose the provisions of a Bill of this description, the reason must be found elsewhere. The reason why we are unable to lend our support to provisions such as contained in this Bill is, as has

been amply explained by my friend Mr. Narendra Kumar Basu, Dr. Sen Gupta and others, that we do not honestly believe that the pursuance of the present policy will wipe out terrorism from this province. Sir, I have no intention to reiterate the arguments which were placed before the House yesterday, but as illustrations of my point I would crave your permission to refer to some of the clauses which would amply demonstrate that the result of passing a legislative measure like this is bound to react and create further disaffection and thus spread fresh seeds of the very menace which is the object of every one of us to prevent. I am not referring now to the clauses in the Bill which provide for a death penalty. A reference has already been made by several members to these clauses. The proposition which I want to place before the House and the Hon'ble Member is this: that these provisions, which I am placing before you just now are liable to be applied against innocent persons on account of the drastic nature in which they have been drafted and are calculated to interfere with the activities of lawful associations engaged in promoting national welfare. If you will look for instance at clause 35, you will find that the possession of certain literature has been made a penal offence, not necessarily literature which is banned by Government, not even literature which is forfeited under orders of Government, but any literature, book, document or whatever it may be which directly or indirectly tends to encourage the commission of certain offences under the Penal Code. I do not forget that there is a clause there that such complaint will not be lodged unless the Local Government or the District Magistrate is satisfied that the newspaper, book or other document in respect of which the offence is alleged to have been committed contains words, signs or visible representations which tend to further or encourage the terrorist movement. But there is no question of any motive or intention, criminal or otherwise, being attached to the person concerned. It is quite possible that my hon'ble friend Mr. Nazimuddin, the Education Minister, may have in his possession certain books dealing with Russian revolution. He is not a public servant like Mr. Reid who may be called upon to have in his possession a book like that. And he is liable to be sent to jail for three years! I am asking my friends belonging to the British Group to read these provisions carefully and to ask this question to themselves. Supposing this provision is literally applied, is it possible for any person belonging to that group to escape conviction. The only object that Government may have in including such a provision is to forge another weapon for widespread oppression.

Then take another provision which has not yet been placed before the House and that is the provision with regard to the banning of certain associations. The language in which it has been framed (clause 23) in the Bill does not at first sight disclose its dangerous character. It reads in this way: that the District Magistrate may ban any place

which is being used for the purposes of an association which encourages or aids persons to commit acts of violence or intimidation. When you look at the notes on the clauses, you will find there what the real intention of Government is. There it is stated that the object of such a clause will be to ban associations, *akhras*, clubs, gymnasia, etc., ostensibly established to promote mental or physical culture but dominated by members of terrorist groups and which actually form the main recruiting ground of terrorists. Here, again, this is a provision which is liable to be applied to any association which happens to be in the bad books of the police. I do not at all understand why Government should take upon itself the responsibility of banning an association and cripple it altogether if it finds that there are persons associated with it who belong to the terrorist group. The remedy is to get rid of these persons and for that purpose Government enjoys ample power under the provisions of the law. If that association exists for promoting physical culture or mental welfare of the young men of the province, why should you penalise the association, simply because some persons connected with it are objectionable? Unless you deliberately intend to cripple all associations which are doing useful work in building up the health and vigour of the youths of the province?

Then look at clause 6 which prohibits publication of certain information. It says "that such information may be banned by the Government if, in its opinion it tends to create an atmosphere favourable to recruitment to the terrorist movement." Now, Sir, I cannot at all understand what is the necessity of passing a provision of this description when Government already enjoys ample powers under the Indian Press Emergency Powers Act of 1931. Mr Reid in his Statement of Objects and Reasons observes that this Act gives ample power to the Government to deal with any direct encouragement of murder or violence committed by the Press, but not in case of indirect agitation. But Sir that is not so. So far as I can read the provisions of the Press Act, Government enjoys extensive powers both in cases of direct and indirect encouragement. But even then Mr Reid thinks that a provision like this should be placed on the statute book. Now, Sir, the reason is disclosed in the notes. What is the sort of information that Government wants to see prohibited in the public newspapers? It is an expression of undue concern and sympathy for the detenus in the detention camps and convicts in the Andaman Islands. I do not understand why Government feels so nervous if any statements are published in the Press as regards the health and welfare of the detenus. If the allegations are true, then it is desirable in the interests of Government itself that such publications should be made, so that proper steps could be taken to remedy things. If the statements are false, you can deal with them; the remedy is in your hands, and if you once deal with them effectively, they will not be repeated. Sir, this concern

for the detenus in the detention camps is a matter which the Hon'ble Mr. Reid knows has very often occupied the attention of this House. There are thousands of persons who are at present detained in the various detention camps without any trial. Supposing there are some genuine complaints which their relations want to place before Government, will Mr. Reid say what procedure they should adopt to bring those grievances to the notice of Government? Whenever we ask questions, we seldom get satisfactory answers. We are invariably told that it is not in the interest of the public that such information should be given. There must be some way of ventilating the grievances of these detenus whom you have kept in detention without trial. You want to prohibit the publication of laudatory accounts of revolutionary movements in other countries. Now, Sir, I suppose some accounts of revolutionary movements will be published, but it is for Government to decide what accounts should be published in the newspapers. The independence of the Press is one of the means of keeping the arbitrariness of Government within limits and you want to destroy it, with a view to destroy the force of public opinion. It is not newspapers alone that you will penalise, you will penalise books and other documents also. If you look at the Indian Press (Emergency Powers) Act, you will find that all references to books of historical character had been omitted. But there is no such exception here. Government cannot very well lay down the way in which books are to be written in future. So far as this clause is concerned, it has been made as comprehensive as one can imagine. Newspapers, books, documents are all brought together under one category.

Then, Sir, I come to the provisions with regard to the procedure of trial. If you refer to the procedure laid down in section 18, you will find that the procedure with regard to the law of evidence is one of the amazing provisions in the Bill. My friend Khan Bahadur Maulvi Azizul Haque said that that was necessary for the speedy trial of the persons. Khan Bahadur Muhammad Abdul Momin who talked glibly of the legal acumen of the judiciary said that this was very sensible. Now, Sir, what is the proposal? It is practically to abolish the law of evidence. Khan Bahadur Maulvi Azizul Haque tried to justify the provision by saying that if a particular person had absconded during a trial, there was no reason why the entire trial should be held again. But he ignored the fact that the provision also applied to a person who was not even arrested or thought of at the time of the trial; still he would be placed before the same Commissioners, and the evidence and confessions used at the previous stage of the trial would be liable to be used against him. I know, Sir, that the Commissioners have been given the option to grant permission to the persons concerned to cross-examine the witnesses who gave evidence before. I would ask the British members to consider the most unfair character of a provision of this character and to say whether it would be calculated to promote

the object which they have in view. Sir, I submit it is much better to abolish trials altogether and openly to have recourse to martial law. Indeed, it will be much better if all these measures are consolidated into one simple Act which may be easily passed with the help of this Legislature, enacting that the Local Government can pass any sentence including a sentence of death on any person who is suspected to be a menace to Government. That will simplify our task and at the same time will give Mr. Reid all facilities to deal with people whom he regards undesirable in any way he likes.

Mr. C. C. MILLER: Sir, it is unfortunate that the motion to circulate this Bill for public opinion which we oppose has been used by several members as a means of attacking the European community, official and non-official. This tendency was absent to-day until it was regrettably reviewed by the last speaker.

Mr. Narendra Kumar Basu started the ball with a fine profusion of epithet by describing our community as birds of passage shaking the *pagoda* tree. I have never yet heard of a bird able to shake a tree, but if this feat was possible, it would undoubtedly cause much inconvenience and discomfort to various non-migratory birds who seldom leave the shade of the *pagoda* tree and habitually nest in its branches. Indeed, one can imagine loud squawks of indignation from Mr. Narendra Kumar Basu up amongst the foliage.

From the lips of Dr. Naresh Sen Gupta there fell one arresting expression. He told us that terrorism could not be stamped out but must be "weeded out by delicate handling." I wonder to which class of terrorists Dr. Naresh Sen Gupta was referring. If he was indicating the full-fledged desperado, armed and blood-thirsty, he might as well have advised this Council to deal with a cobra by delicately stroking its head. If, on the other hand, he was referring to the embryo terrorist, the youth who shows a tendency to fall into bad company, then it seems to me that his expression of "delicately weeding out terrorism" is precisely equivalent to what Government propose to do under section 13 of this Bill. Under the provisos of that excellent clause the District Magistrates are given power to separate the wheat from the tares and to segregate impressionable youth from cruel and evil influences.

It was, however, left to the Hon'ble Member for Malda (non-Muhammadan) to supply an entirely new element to the discussion. Mr. Roy spent so long in attacking the British community that he had no time left to discuss the Bill itself, and as I do not wish to fall into the same error, I shall deal with his remarks as briefly as possible. His accusation was that it is the policy of our community to exaggerate the presence of terrorism in order to urge Government towards repressive measures and at the same time paint as black a picture as possible of Bengal to the world outside. His actual words were that "the enemies

of the province were exploiting the bogey of terrorism." This can only mean one thing, that terrorism is a figment of the imagination used by the European community for their own ends, that bloody and shameful deeds have not been wrought in Bengal and that Government measures to protect the citizens of this province are purely bluff and directed against an imaginary enemy. I will not answer such a statement as this. I will leave the answer to every member of this House, except the hon'ble member for Malda.

Having cast doubt on the very existence of terrorism the hon'ble member proceeded to state that from his own position in this province he was as much exposed to terrorism as anybody else. Now, Mr. Roy has constantly stated his dislike of the creed of violence and has with equal constancy opposed all measures produced by Government to combat violence. Mr. Roy dislikes the terrorists, but I think it is extremely doubtful if this dislike is reciprocated by the terrorists towards Mr. Roy. Personally, I should say that during the present phase few men in Bengal need police protection less than the hon'ble member for Malda.

I use the term "present phase" because unless we can eradicate terrorism a second and more general phase is bound to follow and indeed is already on the horizon. Political crime must become general crime and communities hitherto unaffected and consequently apathetic must suffer in their turn. There is one great question before this province to-day—is Bengal to be ruled by Government or is it to be ruled by the pistol?

Babu SATYA KINKAR SAHANA: Mr. President, Sir, with considerable hesitation and a sense of diffidence I rise to speak on the motions before the House. There is no denying the fact that the Bill containing some drastic provisions is not a measure which can be welcomed with extended arms. I would have opposed it tooth and nail, had I not been convinced that the abnormal conditions prevailing in the country necessitates the introduction of such a measure.

I wish there were no occasion for the introduction of such a drastic measure. But wishes are not actualities, and we all know to our cost that though we wish hovering on the realm of idealism, we are often compelled to knock our heads against the hard and blunt stone walls of reality. Whatever line of thought we may follow to convince ourselves that there is no terrorism in the land, the ugly truth knocks at our door to declare that it is there. Reports from all sources—official or non-official—go to show that terrorism is still rampant in this hapless province. The latest outrage at Chittagong on the 7th January corroborates the assertion that Bengal is the worst place for terrorism, that the roots of the evil have gone deep down into the soil.

Nobody in his senses, I think, can deny that terrorism has been doing immense harm to our country; that the canker of terrorism has been eating into the very vitals of this province, that it has proved a great obstacle to the unhampered normal progress of the province, that the nefarious deeds of the terrorist have jeopardised the safety of life and property of Indians and Britishers, officials and non-officials. Terrorism is responsible not only for all those present troubles, but it has been rubbing out all hopes for the future It has poisoned the minds of some of our young men—the future citizens of our land—and it has been supplying sticks to beat us with, to those who are antagonistic to our political hopes and aspirations. Already a body of influential men in England have raised the cry that Bengal —the home of terrorism—should not be given full autonomy. Then, Sir, the fact that ordinary crimes have come down to almost half of what it was in 1929, makes one suspect vehemently that some of the habitual criminals, who were formerly plying their secret trade individually, have now joined the terrorists whose creed, as far as could be gathered, was to bring in political regeneration of the country through loot and assassination. If the suspicion prove true, then the condition of the country must be hopeless.

This state of things cannot be allowed to continue; steps must be taken to put a stop to it. The Government in the discharge of their duty have been trying to do that; as we all abhor and condemn terrorism, to be true to ourselves we must walk with the Government all the way to the goal; the duty of every man who has the good of the country at heart should, I think, be to co-operate with the Government in doing away with this unalloyed evil.

Sir, the people, if I am not mistaken, are willing to co-operate with the Government; but want of information and want of political training prove great rubs on their way The assertion so often repeated that the people have not come forward with any suggestions about the cause and cure of this menace, I venture to think, is not true. Many suggestions have certainly been thrown out, but whether they are valuable or otherwise that is for my betters to judge Diverse views have been expressed in the Press and on the platform about the cause and cure of terrorism. They may be arranged into three different schools:—

The first school asserts that terrorism is due to shattered hopes in politics and suggests that if all the detenus and political prisoners be released and the reins of administration be handed over to them through the Congress, this distemper will be gone in a day.

The second school diagnose that unemployment and economical reasons are the cause of this malignant disease; put these terrorists in possession of sufficient wealth for enjoying all the amenities of civilized life and the disease will be gone.

The third school opines that the spirit of disobeying the laws of the land and defying the administrators that was roused in the people by powerful and assiduous propaganda for the last few years is at the root of all this evil. The spirit of defiance grew apace into a spirit of *nil admirari*—a spirit of blustering defiance of all ties between man and man—and step by step descended to terrorism. It can be cured only by a change of mentality; but as the transition from unreasonable, whimsical idealism to a sensible practicability is a slow process, efforts should be made that way, but in the meantime strong measures should be adopted to keep the menace in check.

Very recently, Sir, I have come to know of the existence of a fourth school which holds that terrorists are manufactured in a firm owned by Government through the administrative machinery moved by the British business men. The remedy suggested is the changing of the administrative machinery lock, stock and barrel. The votaries of the school did not state the objects and reasons for which this costly non-vendible commodity is produced. As I do not know when the Government will be thinking of packing the different parts of the machinery for shipment or some other method of despatch, I am not in a position to speak over it.

I do not know if the Government made inquiry from the various suggesters how they came in the conscience of the terrorists and what sanction they had to speak on their behalf. If the Government have not done it, I am sorry they have lost a very good opportunity.

However that might be, Sir, the Government, if I am not mistaken, tried the first remedy as far as it was possible for a Government to do. The Gandhi-Irwin Pact Pill was administered, but instead of bringing in even convalescence, it aggravated the ailment and so it had to be given up.

The second remedy could not be applied not only for its costliness, but for the consideration that if its application be once begun, there will be no end of patients; the millions of India will brand their foreheads with the ticket of terrorism and cry for the sweet medicine; even old men like myself, expecting to get the good things of life without the least effort, will rush to the terrorist fold. Moreover, Sir, to procure the costly medicine the Government must be in possession of at least half-a-dozen *pagoda* trees and as many Alladin's wonderful lamps. As none offered the trees and the lamps, the Government had no choice but to give up the idea of attempting that treatment. The little that the Government have been able to do towards the improvement of agriculture and cottage industries, I suppose, forms no part of that prescription and is not supposed to bring in El Dorado in this country.

The third remedy which some consider to be the only practical remedy is being tried by the Government. Up to the present time the

Government have adopted all possible means to cope with this menace and spent a great part of the provincial revenue which is balanced by borrowing for strengthening the police to the detriment of the nation-building departments. The Government in conformity with necessity have introduced, step by step, strong measures to grapple with terrorism. The present Bill is another step that way. How could the Government help it? If they had not adopted such steps we, the representatives of the people, would have been the loudest in accusing the Government of dereliction of their prime duty of preserving law and order and extending protection to the life and property of the ruled.

Already there is a loud cry against the Government for introducing such a drastic measure. But, Sir, in the introduction of drastic measures for checking subversive methods, the Bengal Government cannot be singled out as the only or the worst sinner. In the chequered history of administrations it is the same story all over the world; the Fascist Government of Italy and the Nazi Government of Germany have been walking over the same path, the Democracies of America, the Irish Free State and France have been telling the same tale; even Bolshevic Russia has been following the natural course of man-made Administrations.

As regards the Bill itself, it cannot be denied that there are anomalies, thorns and drastic nature in it; there are some clauses in which capital punishment has been so freely doled out that they may safely be cited as instances of [illegible] as defined in the Arthanitis of ancient India. For instances of anomalies it may be said that for the same offence strikingly different punishments are to be awarded by different Courts; the punishments are to accord not with the gravity of the offence but with the gravity of the Courts. In the clauses regarding "Prohibition of publication of certain information" and "Possession of certain literature" there are thorns which, like wayside nettles, are apprehended to become sources of unnecessary pinpricking to the public and the Press. But, Sir, the Hon'ble Home Member does not move for passing the Bill as it stands into a law. His motion is a modest and reasonable one; he moves that the Bill be referred to a Select Committee consisting of thirteen members, ten of whom are Bengalees, mostly elected by the people as their representatives, and some vehemently opposed to the Bill. These members are able and influential leaders of the people, and though not patriots in the parlance of the Congress, they have the good of the country always at heart. I hope that the Select Committee will remove the anomalies, blunt the edge of the thorns and mellow down the drastic character of some of the clauses. After that the Bill, as amended by the Select Committee, will be presented to this House for consideration, and we shall get the opportunity of criticising the Bill, clause by clause, and remove all that may be found objectionable.

After all this, when the Bill is passed into a law, there might not be any occasion for enforcing it, if sweet reasonableness returns to the country by that time, which I desire, happening by the grace of God. If after the enforcement of the law, the menace be removed, the Act, I hope, will surely be relegated to the Limbo of Forgetfulness or be repealed.

Considering all this, I support the motion of the Hon'ble Home Member for referring the Bill to the Select Committee and oppose the motion for circulation for eliciting public opinion.

Mr. R. MAITI: Mr. President, Sir, I rise to support the motion for circulation, because I feel and I feel very strongly that the public must have an opportunity of expressing their clear and definite opinion on a Bill of this nature before it actually becomes a permanent law of the land. Sir, in my opinion this is a very drastic piece of legislation, the parallel of which can probably nowhere be found in any of the civilised countries of the world, but it is for the public to judge whether they should like to have such a piece of legislation on the statute book as it concerns and affects them most.

Sir, we are in thorough agreement with the Government that terrorism is a growing menace in the country and must be checked at any cost. That is why we have every sympathy with the objects of the Bill, but as lawyers we have no sympathy with the provisions of the Bill which seek to do away with all juristic principles on which the criminal law of this country or, for the matter of that, of any country is based and cast to the winds all salubrious and sound procedures as laid down in the Criminal Procedure Code as well as in the Evidence Act.

Sir, it has been said that some of the clauses in the Bill are of a deterrent nature, but most are preventive. Sir, I really fail to understand whether they are preventive, but it is certain that they are mostly provocative in their nature. Sir, I will deal here only with a few clauses at this stage because the time at my disposal is rather short.

Sir, first of all I take up the last clause of the Bill, *viz.*, clause 26. Under this clause it has been proposed to penalise a person for the possession of any newspaper, book or other document which contains any words, signs or visible representations which (*i*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder, robbery or dacoity or any offence punishable under the Indian Arms Act, 1878, the Explosive Substances Act, 1908, or under certain sections of the Indian Penal Code; or (*ii*) directly or indirectly express approval or admiration of any such offence. Sir, if

we look at this matter from the public point of view, it will clearly establish the absurdity of such a provision. I don't understand at all why a man should be unnecessarily penalised for absolutely no fault of his. Supposing, for instance, a man pays 4 pice and buys a newspaper without knowing what it contains. As soon as he pays for it and takes possession of the newspaper, book or document which contains objectionable matters, he is at once made liable to be punished with imprisonment which may extend to 3 years, or with fine or with both. You may have some justification for punishing the man for possessing the newspaper, book or document which have already been declared to be illegal, but what justification is there for penalising a man who is absolutely innocent?

Then again, Sir, with a view to shorten the procedure in trials before Special Tribunals where absconders who might have been tried jointly with others are apprehended during the process of a trial or after its conclusion, it has been proposed that any evidence already recorded in the trial which, in the opinion of the Commissioners, is relevant in respect of such person may be admitted as evidence against him. It is preposterous and against all principles of justice that a man is to be convicted on the evidence recorded behind his back and which he has not had the opportunity of testing by way of a cross-examination. This is not all, Sir. In any trial by Commissioners appointed under the Bengal Criminal Law Amendment Act, 1925, a Commissioner may dictate the evidence of any witness to a stenographer, typist or clerk, who shall take down the same and the evidence so taken down or a transcript or copy thereof shall be signed by the Commissioners after they have corrected any clerical errors therein, and on such signature shall form part of the record. If the stenographer, typist or clerk makes serious mistakes in recording the evidence or wilfully or negligently omits some important portions of it, there is no provision for rectification of such mistakes, but the only provision that has been made is with regard to correcting mere clerical errors and nothing else. Yet this is to be called a piece of legislation.

Then again, Sir, proposed new section 6A provides for realisation of fines in certain cases from parents or guardians with the object of compelling them to discharge their responsibility towards their wards. In other words, parents or guardians may be compelled to pay the fine to which their wards, ordinarily resident with them, have been sentenced, as if it had been a fine imposed upon the parent or guardian, but no such order shall be made if the parent or guardian satisfies the Court that he has not conduced to the commission of the offence by neglecting to control the offender. The result of such legislation will be that in order to avoid all responsibility, the parent or guardian has to drive out his wards from his protection if he cannot exercise

proper control over them. It is quite conceivable what sort of life the wards will lead when they are thus being turned out of their houses and thrown destitute upon the world.

Sir, that one man can be punished for the sins of another is a proposition one could hardly conceive. But the framers of the Bill in this country did not hesitate for a moment to put forward such sort of legislation before this House. I would rather call it an insult to the intelligence of the members of this House.

Then, Sir, under clause 6 of the Bill it has been proposed to insert a new section 2A in the Indian Press (Emergency Powers), Act, 1931, for the prohibition of publication of certain class of information. Sir, it has been said that the necessity for such a legislation lies in the fact that the newspapers are showing undue concern and sympathy for detenus in the detention camps and convicts in the Andaman Islands, which are bound to have the effect of putting revolutionary ideas into the susceptible minds of the young.

Sir, I am not here to support the actions of detenus and convicts, and I believe nobody does so. But after all, they are human beings and entitled to be treated as such during their period of detention. Sir, when they are treated so very badly by the authorities under whom they have been placed, is it an offence for the newspapers to ventilate their grievances? Does that amount to showing undue concern and sympathy for the terrorist activities? May I inquire—what is the existence of these newspapers for, if they are not permitted to publish a simple piece of news relating to the ill-treatment of detenus and convicts? Sir, so far as the newspapers are concerned, it is better that their publication should altogether be stopped and the public should always be kept in the dark as to any news whatsoever. This sort of piecemeal legislation will no longer be necessary.

Again, Sir, such piece of legislation has been proposed to be made permanent. Before it is made permanent, the public must be given an opportunity of expressing their views on it so that the Government will be in a position to know whether such a piece of legislation is essentially necessary in the interests of the country.

Sir, under clause 13 of the Bill it has been proposed to empower the District Magistrates to restrain the movements of persons under the age of 21 found consorting with terrorist suspects after consultation, wherever practicable, with the parent or guardian of such person. Why not consultation now by circulating the Bill for purposes of eliciting public opinion thereon? If this circulation motion is accepted by the Government, the people will understand the good intentions of the Government which have actuated them to bring forward such legislation. If the Government is not prepared to accept such a reasonable motion, we shall take it then that the Government cares

very little for the public opinion in this country. Here is an opportunity for enlisting the sympathy and co-operation of the public. Let the Government rise to the occasion and accept this motion.

With these words I support the motion for circulation.

(The Council was adjourned for 15 minutes for prayer.)

(After adjournment.)

Rai Bahadur JOGESH CHANDRA SEN: Sir, it is with some hesitation that I rise to speak on the subject which has been discussed from various points of view so ably and clearly. There is none in this House who does not want immediate suppression of this crime and every one of us here will give the Government his full support to each and every provision which would be within the bounds of reason; but this Bill unfortunately must have been drawn in a haste, and I am sure the Hon'ble Mr. Reid had not had time to revise it. I say again that we are prepared to arm Government with any power it wants but may I ask, Sir, whether Bills which are nothing but weapons of war can bring about peace and contentment in the land for which every one is anxious. I believe the misguided youths who commit these crimes never care to read this Bill or consult any lawyer to find out the loophole in the clauses. It is, therefore, necessary to go to the root of this evil as well and cure it. Such Bills will no doubt check the symptomatic developments but not the disease. We want the Government to act as parents—not as a step-father—punish your wards with rod for their misdeed, if necessary, and at the same time feed them with milk and butter when they are hungry. We would appreciate the *bonâ fide* of the Government if it introduces a Bill which will show that it has got a soft corner too—not Crime Amendment Bill alone. I appeal to the members of the Cabinet with all the earnestness that I can command for this. Make your people healthy and wealthy, and then I am sure all these troubles will be over in no time.

Sir, as to the Bill under discussion, I must say that some of the clauses are shocking, some are drastic and some are tolerable. Should we go back to the old primitive days and revive death penalty at every stage when there are other means which can be adopted to meet the purpose? Such clauses need thorough changes. Innocent parents should not be punished only to add people to the rank and file of the other camp. The Press should not be gagged in the manner proposed: thereby you will drive the whole thing underground. The section regarding possession of books should be deleted altogether. Recording of evidence and the trial of accused must be according to the established law and practice. The British Government stands for law and justice and let that faith be not shaken.

I would wait and watch what the Select Committee does; whether or not it thinks it expedient to consult the public. If the Select Committee fails to shape the Bill in acceptable form, we will then be fully justified to throw it out. In the Select Committee there is one Bengal tiger already who would fight the peoples' battles fearlessly and judiciously and convince his colleagues and ultimately induce them to frame the Bill in such a way as will take away all the objectionable features out of it. Our worthy friend Mr. Narendra Kumar Basu is very much alive. Under these circumstances, I am inclined to give the Committee a chance, and I support the motion for reference to a Select Committee. The Bill may appear black to-day, but let us hope that it will come out of the Select Committee as "White" and you know very well what is meant by a white paper, *viz.*, inoffensive. The Hon'ble Mr. Reid has just taken over charge. Let him give a chance to recast the Bill and help his colleagues in the matter.

Babu JITENDRALAL BANNERJEE: Sir, the reception accorded to Mr. Momin was not very encouraging, but I have some experience of these interruptions and to a certain limited extent I am qualified to deal with them. Meanwhile, I am sorry that Mr. Fazl-ul Huq is absent to-day, while it is really his speech, the speech he delivered yesterday, which impels me to speak, in spite of the grave illness under which I am labouring. Sir, in 1924 a member of this Legislative Council, speaking on the floor of the House, without a rebuke from the chair, characterised one of Mr. Fazl-ul Huq's speeches as a dishonest speech. I would not like to repeat that expression, but I say most emphatically and most clearly, that the speech which Mr. Fazl-ul Huq delivered yesterday was a speech of which any gentleman ought to feel ashamed. Mr. Fazl-ul Huq is the most tedious of all persons, a man with a grievance. I sympathise with Mr. Fazl-ul Huq's legitimate grievances, but I should like to tell his friends—some of them are here—that if he is labouring under a grievance, he himself is the author of that grievance. Sir, Mr. Fazl-ul Huq's remarks yesterday seemed to be teeming with a certain amount of superfluous venom, and he spat forth a quantity of his venom on the floor of this House. Mr. Fazl-ul Huq has a grudge against Ministers, at least the present Ministry of Bengal, not against Ministers in the abstract only. He would be glad himself to be a Minister, because the present Ministry has been in office for four years, while Mr. Fazl-ul Huq could not manage to be in office even for four weeks. (A voice: "He went to the Conference.") Yes, I know that, but I am not thinking of the honorary period of his service, and that leads me to say something about Mr. Fazl-ul Huq's motion for eliciting public opinion. Mr. Fazl-ul Huq was most eloquent on the subject of public opinion; he was all for circulation for eliciting public opinion. I remember the day when a determined but obstreperous House kicked

him away from the Ministry. In spite of the manifestations of public opinion so clearly given on that day, Mr. Fazl-ul Huq persisted in stick-ink to his office for six months more.

Rai Bahadur JOGESH CHANDRA SEN: Is it fair in the absence of Mr. Fazl-ul Huq to attack him in that way?

Babu JITENDRALAL BANNERJEE: I will deal with that point later; I know something about the procedure in this House. I want to make it perfectly clear that yesterday before I left I gave Mr. Fazl-ul Huq clear notice that I would deal with his speech to-morrow. I am not speaking without giving ample notice to Mr. Fazl-ul Huq; that is not my way. Mr. Fazl-ul Huq also has a grudge against the House in general, most probably because the House did not make him a Minister. And, Sir, he has a special grudge against the members of the Select Committee particularly because he is not a member of the Select Committee himself. In any case, Mr. Fazl-ul Huq has had his say, and there was one point, only one point of criticism which clearly emerges from his speech. He said again and again that this kind of Bill does not get at the root cause of the difficulty. He would have a complete picture of the whole situation placed before you; you have not diagnosed the disease; the presumption is that Mr. Fazl-ul Huq has been speaking not only for himself, but for other people; "you have not gone to the root cause of the disease." He himself has gone to the root cause of the troubles. If that is so, why not take the House into his confidence? Why not give us the benefit of his expert knowledge and expert skill in his diagnosis? This complaint of Mr. Fazl-ul Huq has been repeated by other people as well. Mr. Narendra Kumar Basu and Mr. Shanti Shekhareswar Ray have said "you do not go to the root cause of the difficulty," but none of them have had compassion upon our ignorance to show what the root cause is, and how to tackle it——

Mr. SHANTI SHEKHARESWAR RAY: You have never listened to us.

Babu JITENDRALAL BANNERJEE: I shall deal with that later on. Mr. Narendra Kumar Basu has said that the root cause of the difficulty was economic; that people suffered from desperation most probably because they were hungry. (Cries of "Hear, hear.") Mr. Basu was rather inclined to put the blame upon the viceregal sanction received. I am not in a position to criticise what His Excellency has said, but I say with full consciousness of our responsibility, if anybody said that hunger is the root cause of this crime, that analysis is misleading and wrong. Sir, it has been said also that the root cause of the difficulty—and this curious argument has come from Mr. Basu—is that the people

are dissatisfied with the White Paper, and the delay in dealing with the provisions of the White Paper. How his logic can reconcile this position, I do not know. The more delay made, the better. But Mr. Basu says that these people, the anarchists, are following political developments with keenness and are dissatisfied with the White Paper. They call it not a White Paper, but a Black Paper. But they have this satisfaction that it is not the What Paper that is the main thing. It is something more than the delay in the White Paper. If disappointment in the delay in the White Paper be the cause of the terrorist crime, then I would say that the White Paper was published only a year ago, only in March last, and terrorism has flourished in this country for more than 30 years. In 1905, in 1907, in 1917, in 1923——

Mr. NARENDRA KUMAR BASU: On a point of order, is an hon'ble member, Sir, be it Babu Bannerjee or anybody else, entitled to put words into a speaker's mouth which he never used and mislead the House with a false interpretation of what was said?

Babu JITENDRALAL BANNERJEE: That is not a point of order. This is a pure misleading and false description of a point of order. I repeat, Sir, in 1905, 1907, 1917, 1923, were all these people driven to anarchism by their anticipatory dissatisfaction with the White Paper to come? Sir, it is useless to try to delude the House with these things.

There is another criticism also, which comes properly enough from Mr. Shanti Shekhareswar Ray, and which to a certain extent has been dealt with by Mr. Miller Mr. Ray spoke of the bogey of terrorism, and evidently his line of argument was that Government creates this bogey of terrorism for the purpose of denying complete autonomy to us, and denying to us the portfolios of Law and Order. Translated, his argument, his complaint means that Government carried out the murders of Peddie, Douglas, Burge and Stevens, to deprive us of complete autonomy and control over the portfolios of Law and Order. That is the only logical interpretation which can be put on the language used.

It has been said that this Bill that you are going to pass will not really stamp out terrorism. That argument has been put forward, fortified with unpleasant language, by the members of the Government themselves. They hope to be able to stamp out terrorism. I do not labour under any such delusion. If by stamping out terrorism you mean eradicating the terrorist mentality, none of your laws can possibly succeed in doing so. If by stamping out terrorism you mean checking the outer manifestations of terroristic crime, then I hope you will succeed, and some success may crown your efforts. But so far as stamping out the criminal mentality is concerned, this law and no laws can possibly do it. So far as the criminal mentality of a thief or a robber is

concerned, the Penal Code may help to eradicate that mentality. But so far as the mentality and habit of the terrorist is concerned, the present Bill will not stamp that out. It is useless to claim that it will.

Mr. NARENDRA KUMAR BASU: You are more familiar with that than we are.

Babu JITENDRALAL BANNERJEE: But it has been said——

Mr. SHANTI SHEKHARESWAR RAY: Why does Mr. Bannerjee pause?

Babu JITENDRALAL BANNERJEE: There are so many interruptions.

Mr. SHANTI SHEKHARESWAR RAY: Or because your memory haunts you?

Babu JITENDRALAL BANNERJEE: I am haunted by many things, but I need not trouble the House with all these.

Mr. NARENDRA KUMAR BASU: How very charitable! (Laughter.)

Babu JITENDRALAL BANNERJEE: They interrupt to a certain extent one's chain of thought. I must apologise to the Council for that, but I think I was dealing with the last argument that was sometimes trotted out that it does not stamp out terrorism, and it will not stamp out the terrorist mentality, but it may, it will check the outer manifestations of terroristic crime, and that is all that the Government is concerned with, and so far as the present measure is concerned. But so far as the eradication of the terroristic mentality is concerned, that can only be done by rousing public opinion, by mobilising and organising public opinion. That is the business, not of Government, still more is it the business of the people of the country; it is the duty of you, of me, of everybody here, and I ask every member of the Council to put himself the searching question if we are discharging our duty in this matter, if we have tried to discharge this duty, if we have been honest in condemning terrorism, and tried to deal with the evil. Put these questions to yourselves—these searching questions. I should look with interest to wait for a reply. My conviction is that we have not done our duty. I speak not only for myself but on behalf of Mr. J. N. Gupta. I do not speak for the Government pensioners. I speak for the rest of the House. I am too old for a pension.

Mr. NARENDRA KUMAR BASU: And Secret Service pensioners?

Babu JITENDRALAL BANNERJEE: May I bring this to your notice, Sir? Mr. Basu says something about Secret Service pensioners. Was that remark in order?

Mr. PRESIDENT: What did you exactly say, Mr. Basu?

Mr. NARENDRA KUMAR BASU: What Mr. Bannerjee said to Mr. Gupta was that he was not seeking Government favour; I remarked that that was only for those who wanted to be pensioners. He is too old to be a Government pensioner, but not too old to be a Secret Service pensioner.

Mr. PRESIDENT: It appears you cast a very serious reflection on the conduct of Mr. Bannerjee. I would ask you to withdraw it.

Mr. NARENDRA KUMAR BASU: If you think so, I withdraw it.

Babu JITENDRALAL BANNERJEE: That is a qualified apology.

Mr. PRESIDENT: The member has very gracefully acted up to my advice. I do not think Mr. Bannerjee should say anything more on the subject.

Babu JITENDRALAL BANNERJEE: That is not a graceful apology. If you do not choose to protect me, I shall resume by seat.

Mr. PRESIDENT: I think it was an ample apology. I have given you fullest possible protection and that very willingly.

Babu JITENDRALAL BANNERJEE: I do not think it was an ample apology, if you will let me say so.

Mr. PRESIDENT: I do not think you should say so. The apology was ample, inasmuch as the offending words were readily withdrawn. You have my assurance that it was so. Will you please leave that point and come to the principles of the Bill under review?

Babu JITENDRALAL BANNERJEE: I have nothing but pity for this. I have asked for protection——

Mr. PRESIDENT: Order, order. I have given you ample protection. I have made Mr. Basu apologise by withdrawing the offending expressions he had unfortunately employed. He carried out my instructions quite gracefully.

Babu JITENDRALAL BANNERJEE: His was no apology, simply a withdrawal.

Mr. PRESIDENT: That was just enough; for, after all, there is a very thin line of demarcation between the two. Besides, the Chair is the sole judge as to whether the apology tendered is ample or not. I do not see any reason why you should differ with me on this point. The withdrawal clearly indicates that Mr. Basu is repentant for what he had said. I do not think you can gracefully ask him to go further. You had better proceed with our speech.

Babu JITENDRALAL BANNERJEE: I shall proceed in my own fashion. I accept your assurance, I do not follow what you say, and so——

Mr. PRESIDENT: Order, order. Then I do not understand what you mean by saying that you accept my assurance.

Babu JITENDRALAL BANNERJEE: I certainly accept your assurance, but I question the sincerity of Mr. Basu's withdrawal.

Mr. PRESIDENT: That is a different matter. Will you now proceed with your speech?

(Here the member reached his time-limit.)

Babu JITENDRALAL BANNERJEE: Unless you give me an ample margin of time it is no use my proceeding further with my speech.

Mr. PRESIDENT: What do you mean by ample margin of time, will five minutes do?

Babu JITENDRALAL BANNERJEE: Very well, Sir. It must be more than two minutes which is the customary allowance given to the members.

Mr. PRESIDENT: You may have five minutes more.

Babu JITENDRALAL BANNERJEE: That interruptions to which I have been subjected—interruptions made not in good faith but purely for the purpose of insulting me and for the purpose of playing to the gallery——

Mr. PRESIDENT: I am afraid you are going to throw away the five minutes given to you. (Laughter.) You will be well advised to come straight to the principles of the Bill.

Babu JITENDRALAL BANNERJEE: Then, Sir, it is best that I resume my seat.

Maulvi SYED MAJID BAKSH: I had no intention of interfering in the debate had not the last speaker made some remarks which tempt everybody to speak. While I was listening to the lecture of Mr. Jitendralal Bannerjee attacking Mr. Fazl-ul Huq in his absence, which he thought to be just according to his code of honour, I was reminded of a trite Sanskrit *sloka*:—

উপমা কালিদাসস্য
ভারবেরর্থ গৌরবম্
নৈশবে পদ লালিতং
মাঘে সন্তি ত্রয়োগুনা ॥

It means that the poet Kalidas excels in similes; the poet Bharabi excels in the beauty of thought, the poet Banabhatta in Naishad excels in the beauty of expression, but the poet Magh excels in all the three qualities. Well, I was thinking that while Mr. Azizul Haque and Mr. Syamaprosad Mookerjee might excel in their eloquence and some other Khan Bahadur or Rai Bahadur might excel in flattery or sycophancy, and some might excel, like Mr. Basu, in legal skill and logic, Mr. Jitendralal Bannerjee excelled all of them in all the three qualities combined.

Mr. PRESIDENT: Order, order. You will certainly lower the level of the debate if you indulge in personalities.

Maulvi SYED MAJID BAKSH: I am simply replying to Mr. Bannerjee's remarks about Mr. Fazl-ul Huq. He is absent now, otherwise he would have defended himself. I think that Mr. Bannerjee's remarks, as I have already submitted to you, about an absent member were not justified by any code of honour. Mr. Bannerjee said that Mr. Fazl-ul Huq made a dishonest speech and that in a previous Council his speech was characterised to be dishonest——

Babu JITENDRALAL BANNERJEE: He is simply distorting——

Maulvi SYED MAJID BAKSH: Even Mr. Bannerjee who was so impatient of interruptions himself indulges unwittingly in interruptions.

Mr. PRESIDENT: Order, order. Did he say that?

Babu JITENDRALAL BANNERJEE: I did not interrupt him. I was protesting against his misrepresentation.

Mr. PRESIDENT: I am waiting to hear your personal explanation as to whether you said anything to imply that Mr. Fazl-ul Huq made a dishonest speech.

Babu JITENDRALAL BANNERJEE: What I said was that another member who came in for a rebuke from the Chair had characterised Mr. Fazl-ul Huq as dishonest, and I would not repeat that. Mr. Majid Baksh has probably forgotten that or he is purposely distorting what I said.

Maulvi SYED MAJID BAKSH: Mr. Bannerjee in his infinite knowledge of counterfeit logic forgets that words have not only meanings but connotation as well. While the denotation may be harmless, the connotation may be extremely bad. In the devious ways of the luxuriant foliage of his arboreal eloquence I sometimes think that I am listening to speeches in which it is difficult to make the head meet the tail. Well he criticised the history of other members of this House but he forgets his own history. Mr. Bannerjee the erstwhile tribune of the people who suffered imprisonment after imprisonment——

Mr. PRESIDENT: I do not think I can allow you to say all these things. If you want to take exception to any remark which Mr. Bannerjee might have made in the course of his speech, you may do so, but you must leave aside names.

Maulvi SYED MAJID BAKSH: I was trying to develop my point in this way, because it was a reply to Mr. Bannerjee's remark about Mr. Fazl-ul Huq, otherwise there was no necessity for me to speak at all.

Mr. PRESIDENT: I have tolerated more than is necessary, and I cannot allow members to indulge in personalities any more.

Maulvi SYED MAJID BAKSH: Mr. Bannerjee was criticising the past conduct of another member, forgetting that his own past conduct may be taken exception to in a similar way.

Mr. PRESIDENT: That is absolutely wrong. I will not allow you to say all this.

Maulvi SYED MAJID BAKSH: I think I have sufficiently replied to Mr. Bannerjee. (Laughter.) I would like to say that Mr. Bannerjee——

Mr. PRESIDENT: I think it is essential that every member of this House should realise that his actions are being watched not only by the President, but also by the whole country. You must not forget that this Council is an august body and every member should be careful in the choice of his words and should never give expression to any unworthy sentiment.

Maulvi SYED MAJID BAKSH: I would come to the Bill presently and would like to submit to you in this way that we had expected Mr. Bannerjee to support the Bill; unfortunately we found that he had——

Mr. PRESIDENT: You are going astray again.

Maulvi SYED MAJID BAKSH: Speaking of the Bill, there is hardly any remark which I would like to make, because all remarks have been exhausted, and I would simply say that Government is rather taking a hasty step in introducing this Bill—a step which has been proved by experience to be inadequate and ineffective I am reminded of a story—

Mr. PRESIDENT: We have no time to listen to stories. (Laughter.)

Maulvi SYED MAJID BAKSH: Is my time up?

Mr. PRESIDENT: No, you can proceed on proper lines, but we cannot devote any time to hearing stories.

Maulvi SYED MAJID BAKSH: I will leave Mr. Bannerjee alone.

Mr. PRESIDENT: Please also leave your story out altogether. (Laughter.)

Maulvi SYED MAJID BAKSH: My story is very short. I am not a story-teller.

Mr. PRESIDENT: I do not know that, but if you will come to my Chamber during my leisure, I will hear your story (Laughter), but if you proceed in that way here I am afraid I must ask you to resume your seat. The House is anxious to hear the Home Member who will have to meet various points raised in the debate and we cannot afford to waste time in this fashion.

(The member then resumed his seat.)

The Hon'ble Mr. R. N. REID: Sir, at this late hour I feel I should not keep the House longer than I can possibly help, and I am afraid it is asking too much of the patience of the House if I attempt to meet all the points raised in the discussion. The question before the House now is a series of motions for the circulation of the Bill. I think I am right in saying that there is a large body of opinion—and opinion which cannot be ignored—in this House which is opposed to this motion and which considers that little good can be gained from the circulation of the Bill. I agree with that view because I think that the circulation of the Bill for public opinion will elicit little that we do not know already. I think it can be safely said that sufficient proof has been given of late in support of the view that terrorism is condemned both inside this House and outside it, and the principle of this Bill is to deal with terrorism, to suppress it and to prevent it. There is nothing new in this principle. Unfortunately it has been the case for many years now that there is nothing novel in measures to deal with this menace of terrorism. I noticed too that the movers of these motions for circulation had little faith in their own motions. Mr. P. Banerji who is the author of one of these motions for circulation admitted that he had no faith in his motion. He said it was useless, and I can only assume that he supported his own motion in order to delay the coming into force of this Bill. Similarly, Mr. J. N. Gupta said that he did not really think that by circulating the Bill for public opinion they would get very much further. On these grounds I beg to oppose the motion.

As regards the criticisms of the Bill itself, we shall go into them all in the Select Committee and shall get no doubt very valuable criticisms and assistance from the members of that Committee. Then, again, after the Select Committee has finished its labours and presented its report, we shall go further into the whole thing again clause by clause in this House. There are just a few points which I should like to mention. Mr. Narendra Kumar Basu certainly made a legitimate score when he referred to my mistake when I said that the word in

clauses 3 and 4 was "may" and not "shall." But the intention of my remark was entirely in consonance with the meaning of those clauses. It is perhaps worth while to repeat the explanation which I interjected yesterday during Mr. Jatindra Nath Basu's speech and to point out that this death penalty is not compulsory but optional with the trying Judges. The words in the section are that whoever commits certain offences "shall be punished with death or with any such punishment as aforesaid." A reference to section 19A of the Indian Arms Act explains what such punishment means. This punishment includes transportation for life or a shorter term, imprisonment for 14 years or a shorter term, or a fine. So, the trying Court has the option of inflicting any type of punishment ranging between fine and death, and it is not bound to inflict the extreme penalty. I realise that these three clauses have given considerable concern to a good many sections of the House, but, as I have shown, death penalty is not the only penalty, and we know that Judges are very careful before they inflict the extreme penalty. There is, as I said yesterday, an appeal and there is the reference to the High Court. Mr. Basu thundered forth the accusation that all our efforts were perfectly useless and that we had very seldom succeeded in preventing revolutionary outrages. We all know it is extremely difficult to prove a negative, but I think there are very good reasons for believing that these special measures have succeeded in reducing the number of these murderous outrages. As I said yesterday, the two previous measures, the Defence of India Act of 1915 and the Bengal Criminal Law Amendment Act of 1925, were both successful in bringing revolutionary crimes under control for the time being. The Defence of India Act, 1915, succeeded in bringing revolutionary crimes under control within about two years' time. Similarly, the Act of 1925 brought about a very greatly improved state of affairs within two or three years, and I claim that the present Act of 1930 has had a measure of success, and I think one proof of that is, as I said yesterday, that when I introduced the Bill of 1932 I mentioned that between December, 1931, and August, 1932, there had been seven major outrages of a very serious kind. In the whole of 1933 there was only one major outrage of a serious kind. That I think is some proof that these special measures have not altogether been unsuccessful. Secondly, we cannot obviously say that such and such an outrage was prevented because it never came off. But we can claim that the success of the police in seizing unlicensed arms and explosives has prevented the commission of outrages because those arms and explosives would infallibly have been used for the commission of such outrages by those in whose hands they were found, had not the police been successful in seizing them. It may be of interest to the House to know that in the last quarter of 1933, between October and December, a matter of 27 pistols and revolvers were seized by the police; a matter of 8 or a dozen guns were similarly seized, and a considerable number of bombs were also found. Every

one of those weapons and explosives were beyond doubt kept by their custodians for the purpose of committing some revolutionary crime.

The most unworthy and unjustified attack which Mr. Fazl-ul Huq made upon the judiciary has been sufficiently castigated by certain other members of the House in their very able speeches, and I do not wish to refer to that speech further except to say that I also wish to associate myself in the protest against that attack.

I do not think I should keep the House longer to-night. I do think that no case has been made out in the course of the debate during these two days in favour of the motion for circulation, and I trust that the House will oppose it.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I suggest that the question be now put.

The motion standing in the name of Mr. P. Banerji was then put and a division claimed.

Mr. NARENDRA KUMAR BASU: On a point of information, Sir. Would it not be better to put the motion without any date, that is, that the Bill be circulated for the purpose of eliciting public opinion thereon. Otherwise, each one of the other motions will have to be put.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, may I point out that there is no motion before the House without any date.

Mr. NARENDRA KUMAR BASU: Sir, may I have a ruling on the point raised by me? What I wanted to suggest is that if the motion that is now being put and a division called, then there would be nothing to prevent us from calling a division on the next motion. But if you divide the motions into two parts, the first one being that the Bill be circulated for the purpose of eliciting public opinion and the other with the date, and if the first one is carried, then we might take up the second one. It would save much time of the Council.

Mr. PRESIDENT: My difficulty is that a division has been demanded without effecting any change in the motion. It is now too late.

The motion was then put and lost.

Mr. P. BANERJI: Sir, I claimed a division.

Mr. PRESIDENT: I did not hear you.

Mr. P. BANERJI: I asked for a division before you declared the motion lost; you were then looking at a paper. This is unfair——

Mr. PRESIDENT: Order, order. Unless you withdraw that expression I shall have to draw the attention of the House to your conduct. (Cries of "withdraw," "withdraw" from all sides of the House.)

Mr. P. BANERJI: I called a division——

Mr. PRESIDENT: Will you withdraw that expression first?

Mr. P. BANERJI: Then you compel me to withdraw without listening to me——

Mr. PRESIDENT: Order, order. I am pointing out to you what your duty is. If you do not withdraw the offending word and express regret, it will be up to me to take proper steps against you. (Cries of "withdraw," "withdraw" from all sides of the House.)

Mr. P. BANERJI: My point is——

Mr. PRESIDENT: Order, order. Will you withdraw or not? I am quite willing to hear you after you have unconditionally withdrawn the expression you have used.

(Mr. P. Banerji rose and began to argue the point.)

Mr. PRESIDENT: Order, order. Gentlemen of the Council, it is my painful duty to draw your attention to the unseemly conduct of a member of this House in casting a very serious reflection on the Chair for no ostensible reason. He will not unconditionally withdraw it. I am therefore compelled with your concurrence to ask Mr. Banerji to leave the House for the day. I accordingly direct that Mr. Banerji do leave the chamber.

(Mr. P. Banerji thereupon left the Chamber.)

The motion of Mr. Narendra Kumar Basu that the Bill be circulated for the purpose of eliciting public opinion thereon by the 1st April, 1934, was put and a division taken with the following result:—

AYES.

All, Maulvi Hassan.
Bakah, Maulvi Syed Majid.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Maulvi Nurul Absar.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Gupta, Mr. J. N.
Hoque, Kazi Emdadul.
Hossain, Maulvi Mohammad.
Maiti, Mr. K.
Mookerjee, Mr. Syamaprasad.
Poddar, Seth Hanuman Prasad.
Ray, Mr. Shanti Shekhareswar.
Raut, Babu Hemai.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Ashworth, Mr. C. G.
Bai, Babu Lalit Kumar.
Bai, Rai Sahib Sarat Chandra.
Banerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Barman, Babu Premhari.
Birkmyre, Mr. H.
Bottomley, Mr. J. M.
Burn, Mr. H. N.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Chaudhuri, Maulvi Syed Gamau Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Dain, Mr. G. B.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Edgley, Mr. G. G. A.
Essafji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. S. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ferguson, Mr. R. H.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dildaar.
Gilchrist, Mr. G. N.
Gladding, Mr. D.
Guha, Mr. P. N.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hussain, Nawab Musharraf, Khan Bahadur.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Maguire, Mr. L. T.
Martin, Mr. C. M.
Mason, Mr. S. A.
McGlashan, Mr. E. T.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Mittra, Babu Sarat Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nag, Babu Sah Lal.
Nundy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Qasem, Maulvi Abul.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abdur.
Rahman, Maulvi Azizur.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Rees, Mr. J. B.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Ray, Babu Jitendra Nath.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Ray, Mr. S. N.
Ray Chaudhuri, Babu Nem Chandra.
Sachse, Mr. F. A.
Sahana, Babu Satya Kinkar.
Sarkar, Rai Bahadur Rohini Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. S. R.
Sen, Rai Bahadur Jogesh Chandra.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Stevens, Mr. J. W. R.
Suhrawardy, Mr. H. S.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. W. A. M.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 21 and the Noes 83 the motion was lost.

Babu AMULYADHAN RAY: Sir, may I make one submission? We are all really very sorry for the incident that occurred just now, but I may say that we distinctly heard Mr. P. Banerji asking for a division. However, I do not want to raise that subject again, but what I want to know is what is our remedy if we cannot make our voice heard.

Mr. W. L. ARMSTRONG: I submit that Mr. Banerji did not call a division until you declared "Noes have it" in connection with his amendment.

Dr. NARESH CHANDRA SEN GUPTA: Sir, sitting beside Mr. P. Banerji I can say that his voice was heard about a few seconds before you declared the result.

Mr. PRESIDENT: I do not think there should be any discussion on what Mr. P. Banerji did say or did not say.

As regards the remedy, I think it must be obvious to all. One's own instinct will tell him what to do when he finds that his voice is not heard by another. Would he not naturally speak up and, if need be, would he not cry out to the top of his voice? The member demanding a division must fully rise in his place at the right moment and ask for a division in clear and audible voice. The remedy chosen by Mr. Banerji was no remedy at all. It was a direct infringement of the Rules of the House.

The motion that the Bill be circulated for the purpose of eliciting opinion thereon before the 25th March, 1934, was put and lost.

Mr. PRESIDENT: Several amendments have been tabled with regard to the personnel of the Select Committee, but I am told that members whose names have been proposed have not consented to sit on the Committee. Therefore these amendments are all out of order and need not be taken up. I will therefore put the Hon'ble Mr. Reid's substantive motion now.

The motion that the Bengal Criminal Law (Amendment) Bill, 1934, be referred to a Select Committee consisting of (*1*) Reverend B. A. Nag, (*2*) Rai Sahib Sarat Chandra Bal, (*3*) Babu Jitendralal Bannerjee, (*4*) Rai Bahadur Kamini Kumar Das, (*5*) Khan Bahadur Maulvi Azizul Haque, (*6*) Khan Bahadur Muhammad Abdul Momin, (*7*) Mr. W. H. Thompson, (*8*) Mr. Narendra Kumar Basu, (*9*) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, (*10*) Maulvi Abul Kasem, (*11*) Mr. S. N. Roy, (*12*) Mr. G. P. Hogg, (*13*) Mr. N. G. A. Edgley, and (*14*) the mover with instruction to submit their report within eleven days from the date on which this motion is carried in Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 5th February, 1934, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 5th February, 1934, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 103 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Anti-malarial societies in Bankura.

*35. **Babu SATYA KINKAR SAHANA:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(i) the number of anti malarial societies existing at present in the district of Bankura;

(ii) the nature and amount of help received by them from the Government; and

(iii) the steps taken by the Government to encourage the establishment of more anti-malarial societies in the said district?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (i) 6.

(ii) None. Grants are made only if the district board contributes an equal amount and the Bankura district board has not been prepared to contribute.

(iii) None, except the standing offer of grants subject to the condition referred to in answer to (ii).

Babu SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state if the Bankura District Board has furnished any reasons for its refusal to contribute?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it lies entirely within the discretion of the district board. Government have nothing to do with it; the district board was not asked to furnish any reasons whatsoever.

Maulvi HASSAN ALI: Will the Hon'ble Minister be pleased to state the total number of anti-malarial societies in Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am afraid I cannot answer the question offhand and, therefore, I should like to have notice of this question.

Maulvi ABUL QUASEM: Is the Hon'ble Minister aware that many of these anti-malarial societies simply waste their funds?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that is not the impression of Government.

Maulvi HASSAN ALI: Is the Hon'ble Minister quite sure that the Bankura District Board is not willing to make any contribution under certain conditions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I should like to have notice.

Khan Bahadur Maulvi AZIZUL HAQUE: In view of what Mr. Quasem has said, does not the Hon'ble Minister consider the desirability of making any further grants to the Khulna District Board?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as Government do not accept the version of Mr. Quasem, I submit this question does not arise.

Constitution of Garden Reach Municipality.

***38. Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state why there has been so much delay in constituting the Garden Reach area a separate municipality in pursuance of the Garden Reach Municipality Act of 1932?

(*b*) When did the Government appoint the Statutory Committee contemplated in section 3 (*1*) of the said Act?

(*c*) Has the Committee submitted its report? If so, when?

(*d*) If the Committee has submitted its report, have the Government taken any steps to consult with the Corporation of Calcutta and the representatives of the Garden Reach area upon the recommendations of the said report?

(*e*) When did the Government ask the Corporation to submit its opinion upon the Report?

(*f*) Has the Corporation submitted any opinion as yet?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The delay is due to non-receipt of the opinion of the Corporation of Calcutta.

(*b*) 28th May, 1932.

(*c*) Yes. On 28th April, 1933.

(*d*) and (*e*) The Corporation were consulted on 26th June, 1933.

(*f*) No.

Babu JITENDRALAL BANNERJEE: With reference to answers (*a*), (*d*) and (*e*), is the Hon'ble Minister aware that the Calcutta Corporation appointed a sub-committee to go into the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. Government have no such information.

Babu JITENDRALAL BANNERJEE: Is it not a fact that the sub-committee was summoned seven times, but never met once?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information on this point.

Babu JITENDRALAL BANNERJEE: Under the provisions of the Act, is there any bar to Government taking action even if the Corporation do not submit their report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Maulvi ABDUL KARIM: Have Government moved in the matter so that early steps could be taken?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have sent reminder to the Corporation for its views.

Premiums on life insurance policies held by detenus.

*37. **Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether under the rules of Criminal Law (Amendment) Act of 1930 or under any other rules of Government, Government are to pay the premium on life insurance policies held by detenus?

(*b*) If the answer to (*a*) is in the affirmative, why the petition of one Harangouri Devya of Kalitola, police-station Kotwali, Dinajpur, to Government for paying the premium of life insurance policy in the Hindusthan Co-operative Insurance Society, Ltd., Calcutta, held by her son Babu Tarapada Dhar, a detenu now in Sandip, was rejected?

(*c*) Do the Government intend reconsidering the matter?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) No, but cases of hardship are considered on their merits.

(*b*) and (*c*) In this case the policy was a new one on which one premium only had been paid. In such a case, if it was clear that the detenu or his family were not in a position to keep up the premia, an application for refund of the premia already paid might be considered.

Maulvi HASSAN ALI: Will the Hon'ble Member be pleased to state whether the application in this case was considered by Government on its merits?

The Hon'ble Mr. R. N. REID: There was no application in this case, but the question whether the premium should be paid or not was considered by Government.

Detenu Srimati Bimal Prativa Debi in the Hijli Jail.

*38. **Dr. AMULYA RATAN GHOSE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Srimati Bimal Prativa Debi is detained in the Hijli Jail without trial?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) how long has she been detained;

(*ii*) what is the present state of her health; and

(*iii*) whether she is suffering from—

(1) hæmatemesis (blood vomiting),

(2) ecchymosis of the skin (patches of blood under the skin),

(3) angio-neurotic oedema (swelling of the hands, face and feet),

(4) ulceration of the conjunctiva of her eyes; and

(5) caries of the teeth?

(*c*) Is it not a fact that in the Hijli Jail there is no such medical arrangement either for the diagnosis or for the treatment of any of the diseases mentioned in (*b*)?

(*d*) If the answer to (*c*) is in the affirmative, are the Government considering the desirability of—

(*i*) releasing the detenu for such period as would be necessary for the treatment of her ailments;

(*ii*) allowing home internment to this lady as has been done in the cases of a large number of other internees; or

(*iii*) transferring her to some jail in Calcutta with better medical equipments for the treatment of her troubles of the teeth, eyes, skin and stomach?

The Hon'ble Mr. R. N. REID: (*a*) It is a fact that Srimati Bimal Prativa Debi is a detenu in the Hijli Additional Special Jail.

(*b*) (*i*) Since the 5th January, 1932.

(*ii*) Good.

(*iii*) (1) to (4) No.

(5) She had caries in two teeth, and both were supplied with fillings. One of them subsequently gave her trouble and she was advised to have it extracted by the dental surgeon, but she declined.

(*c*) It is not a fact.

(*d*) (*i*) (*ii*) (*iii*) Do not arise.

Detenu Srimati Bimal Prativa Debi and her daughter's marriage.

*39. **Dr. AMULYA RATAN GHOSE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether he is aware—

(*i*) that Mr. J. C. Banerjee, elder brother of Dr. Charu Chandra Banerjee, husband of Srimati Bimal Prativa Debi, now interned at Hijli, had asked for permission from the proper authorities to let her stay at her residence for a fortnight only in connection with the marriage ceremony of her only daughter, which took place on December last, under any restrictions or conditional orders which the authorities might have imposed;

(*ii*) that permission was not granted; and

(*iii*) that a second petition was sent in due time to the effect that permission be granted for the night of the marriage only and that this too was refused?

(*b*) Is the Hon'ble Member also aware that the presence of the mother at the marriage ceremony of her daughter is considered essential according to Hindu religion and custom?

(*c*) Did the Government, before refusing permission, consider the possible effect of her deprivation to attend this matrimonial ceremony—

(*i*) upon the health of the detenu;

(*ii*) on the religious susceptibilities of the detenu and her co-religionists?

The Hon'ble Mr. R. N. REID: (*a*) (*i*) Mr. J. C. Banerjee wrote and asked that detenu Srimati Bimal Prativa Debi might be released for a fortnight in connection with the marriage of her daughter. No mention was made of restrictions or conditions.

(*ii*) Yes.

(*iii*) No such petition was received by Government, but the detenu herself subsequently applied for leave for at least two days to enable her to attend the ceremony. This was refused.

(*b*) No.

(*c*) (*i*) (*ii*) Yes.

Detenu Srimati Bimal Prativa Debi.

***40. Dr. AMULYA RATAN GHOSE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether books, newspapers and other amenities of similar nature are allowed to be supplied from outside the jail precincts to persons interned without trial in the Hijli Jail?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state why this sort of amenities have been withdrawn in the case of Srimati Bimal Prativa Debi confined in the Hijli Jail?

(*c*) Is it a fact that the near relations of the detenus are allowed interviews once every month?

(*d*) If the answer to (*c*) is in the affirmative, why was such permission refused to Charu Chandra Banerjee, husband of Smriti Bimal Prativa, when the former wanted to see her and prayed for an interview by petitions, dated the 22nd September and 17th October, 1933?

(*e*) Is the Hon'ble Member considering the advisability of removing the inconveniences of this particular detenu?

The Hon'ble Mr. R. N. REID: (*a*) and (*b*) Normally books from outside sources are allowed to detenus in jails, provided they are passed by the Superintendent. This privilege has been stopped in the Hijli Jail as the Superintendent found that it was being abused. The persons interned there are, however, allowed to purchase books from their allowances, and from any private cash deposited in their accounts by relatives.

(*c*) Yes, and oftener if the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, permits it.

(*d*) Government are not prepared to disclose the reasons for the refusal of interviews.

(*e*) Government do not consider that the detenu is being subjected to any special inconvenience.

Taluk Newazali in Mymensingh.

*41. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the total amount of annual revenue payable to Government by the landlords of *taluk* Newazali, *tauzi* Nos. 115 and 116, district Mymensingh;

(*ii*) the total amount of annual rents payable to the landlords by the tenants of the said *taluk*;

(*iii*) the total amount of annual cess payable to Government by the landlords of the said *taluk*;

(*iv*) the total amount of annual cess payable to the landlords by the tenants of the said *taluk*?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*) to (*iv*) Government are not prepared to furnish this information because some of the matters in regard to which information is sought are not within the cognisance of Government, and as regards the rest, the information cannot be obtained without a costly and laborious inquiry which Government regret they are not prepared to undertake.

Maulvi ABDUL HAKIM: Since it has been said in the answer that some of the matters in regard to which information is sought are not within the cognisance of Government, may I inquire as to what those matters are?

The Hon'ble Sir PROVASH CHUNDER MITTER: I would refer the member to questions (*ii*) and (*iv*).

Maulvi ABDUL HAKIM: Is it not a fact that cadastral survey has been carried out in the district of Mymensingh?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, Sir.

Maulvi ABDUL HAKIM: Might I know in what year?

The Hon'ble Sir PROVASH CHUNDER MITTER: I suppose it was carried out many years ago. I might add, however, that many changes have taken place in the meantime, and I submit that even an examination of the question from the point of view of cadastral survey is not one which is in the public interest, inasmuch as it would mean a costly and laborious inquiry.

Taluk Nurannisa in Mymensingh.

*42. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the total amount of annual revenue payable to Government by the landlords of *taluk* Nurannisa, *tauzi* No. 117, district Mymensingh;

(*ii*) the total amount of annual rents payable to the landlords by the tenants of the said *taluk*;

(*iii*) the total amount of annual cess payable to Government by the landlords of the said *taluk*; and

(*iv*) the total amount of annual cess payable to the landlords by the tenants of the said *taluk*?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) to (*iv*) Government are not prepared to furnish this information because some of the matters in regard to which information is sought are not within the cognisance of Government, and as regards the rest, the information cannot be obtained without a costly and laborious inquiry which Government regret they are not prepared to undertake.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Muhammadan presidents of the unions in Basirhat subdivision.

24. Mr. A. F. M. ABDUR-RAHMAN: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) how many *panchayets* unions are there in the *thanas* of Hasnabad, Haroa and Sandeskhali in the district of the 24-Parganas;

(*ii*) how many *panchayets* presidents are Muhammadans and how many non-Muhammadans?

(*b*) If the numbers of Muhammadan presidents are not in proportion to the numerical strength of the Moslems, are the Government considering the desirability of issuing instructions to the appointing authorities to give considerations to the cases of Muhammadans in the appointments of presidents within the unions of the *thanas* in the Basirhat subdivision?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*)(*i*)30.

(*ii*) Muhammadans—8.

Non-Muhammadans—22.

(*b*) On a population basis the proportion would be 10 Muhammadans to 20 non-Muhammadans from which the actual proportion does not differ very markedly. Government are not prepared on the information before them to issue the instructions proposed.

Sub-Registrars.

25. Mr. A. F. M. ABDUR-RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware that the honorary duties performed by the sub-registrars in Bengal besides their official work as sub-registrars are not noted in their service sheets?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of making a note of the honorary duties performed by the sub-registrars in their service sheets?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) Yes, but any outstandingly meritorious service might be mentioned.

(*b*) No.

LEGISLATIVE BUSINESS

Amendments to Standing Orders.

Mr. PRESIDENT: Gentlemen of the Council, I beg to present the Report of the Select Committee on the amendments of the Standing Orders proposed by Mr. N. K. Basu.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the proposed amendments of the Standing Orders as reported by the Select Committee be taken into consideration.

Sir, I do not think it is necessary to make a long speech in support of this motion. As members of the House will have seen, the amendments made in the Select Committee have been almost unanimously accepted. So far as the first portion is concerned, viz., the amendment of Standing Order 6, I need hardly remind the House that that rule which was adopted in 1926 has considerably fettered the right of the non-official members to discuss important resolutions. The latest and the most recent instance of that character, which I can cite is the resolution that was discussed the other day, although it was first put down for discussion on the first of August, 1932. So, really, the motion was two years old. The result was that no matter of real urgency could be brought forward during the last two years before this House on account of this pernicious rule. As the House will see, the Select Committee unanimously recommend that that rule of 1926 should be rescinded.

Sir, the other two provisions are Standing Orders Nos. 68A and 68B. I might say that Standing Order No. 68A has been accepted by all the non-official members, but there is some disagreement as to whether the Hon'ble President should allot the maximum time for debate at the outset. As regards Standing Order No. 68B, there was some discussion in the Select Committee, and as members will see that we have increased the number necessary to permit of a requisition being considered under the Standing Order from 25 to 35. Further, the Select Committee have put in a proviso to the effect that the number of resolutions that may be taken out of their turn on any one day should be one. I submit, Sir, that the Select Committee have taken the most proper view as regards this matter, and that the changes they have made should be given effect to by this House.

Babu AMULYADHAN RAY: Sir, I beg to move that the report of the Select Commitee be recommitted.

Sir, before dealing with this motion I shall appeal to all the hon'ble members of this House that the unfortunate events of the last week should not be repeated, and let me hope that Providence will help me in making my voice heard by one and all.

Now, Sir, coming to the subject-matter, I am bound to say that I shall be the last person to support a system which will take away the existing right of every member of this House. The proposed amendment, as reported by the Select Committee, will deprive us of our privileges and advantages which we have hitherto enjoyed. Section 19(*1*) of the Bengal Legislative Council Rules, as it stands to-day, is no respector of any person, community, religion or party however influential it might be. We are at liberty to indicate to-day our first "priority" on a resolution which may not receive a favourable position through ballot and remain undisposed at the end of a session. Thus, Sir, every member during the course of three years without looking at the face of the President and catching his eye may fail to move a resolution or motion in which he or his constituency is interested. Sir, the present rule does not make any distinction to Mr. Thompson and myself, Mr. Majid Bux and myself, and provides an equal opportunity to all alike of bringing in a motion before the House. On the other hand, Sir, the amendments proposed by Mr. Narendra Kumar Basu will not only require the favour and goodwill of the Hon'ble the President and the Member in charge of the department but a member will also have to take the approval of 35 members of this Council. I submit that such a procedure is dangerous to the interests of the minority and such communities as I have the honour to represent. The more influential a member is the more easy will it be for him to get round the safeguards, and *vice versa*. But section 19(*1*) is based on the principle of equal rights which should not be taken away. I do not want that right should be replaced by a "favour".

Sir, what will be the effects of the proposal now before the House if they are accepted? Think for a moment that I give notice of a resolution recommending to Government to take early steps for the abolition of the provisions regarding landlords' transfer fee as provided in the Bengal Tenancy Act, or that 25 *per cent.* of the appointments should be guaranteed in the future constitution of India for qualified candidates of the Scheduled Castes; and suppose that by chance the ballot favour me securing for me the first place for my resolution in the List of Business. It might so happen that an influential member likely to be affected by it will not find it difficult to take another resolution out of its turn in spite of the conditions laid down in Standing Order No. 68B. Then, again, suppose the ballot does not give my resolution a favourable position, will Mr. Sarat Kumar Roy and his other colleagues sign the requisition so as to take it for discussion out of its turn. Let me go one step further, and ask Mr. Narendra Kumar Basu

and the Raja Bahadur of Nashipur if they would give their consent to any suggestion of mine in case they happened to be the Presidents. In this way if a resolution is taken out of order every day, I am afraid, Sir, ours will never come up and will be put off till eternity.

The only defect in the present rule, I must admit, is that when a resolution is ready for discussion, it may be too late for discussion and may lose its interest; but every honourable member being a responsible person should be left to his sense of responsibility.

Then, Sir, there is another matter to which I want to draw the attention of the House. If the amendment that one resolution may be permitted to be taken out of order on a day for its discussion is accepted, then what would happen? What is our experience in this Council? In the November session of the Council in the year 1933(?) the motion on the landlords' transfer fee took, if I remember aright, all the time allotted for the discussion of the resolutions. This is not an exception but frequently happens. If you accept these absurd proposals, then please do away with your ballot boxes and make an end of them. Do not mock us with it again. Do not pass an amendment which will paralyse the normal business of the Council and bestow an undue advantage upon those who by virtue of their position and influence already enjoy it more than they should do. Sir, I shall not take much time of this Council except to say a few words on another aspect of the matter to the members with all the emphasis at my command. The proposal that in case of more than one requisition the President shall decide which of the requisitions shall be given precedence is sure to rouse suspicion. If the President gives preference to a resolution the member who is debarred in moving his motion—upon which he might be very keen—may blame the President with unfairness. The Chair of the President is sacred, and that sanctity should not be made the plaything of passion and resentment. Certainly, Sir, it is not a very delectable sight for anyone—least of all any member of this House—to charge him with unfairness and partiality. Nor is it the duty of the President to give rise to such feelings in the mind of any member. The task of making a choice between a requisition and a requisition in which different parties might be interested is a very difficult and delicate one, and I submit, Sir, that this responsibility should never be placed upon the President. Sir, if I were to think in the same manner as my esteemed friend, Mr. Jitendralal Bannerjee, then and then only I could agree to the proposals before the House.

With these few words, Sir, I beg to oppose the motion.

Mr. NARENDRA KUMAR BASU: Sir, I beg to oppose the amendment moved by Babu Amulyadhan Ray. I regret to say that I have not heard one argument or even one word which can convince anyone

that the Report of the Select Committee be recommitted. Mr. Ray will have ample opportunity to test the feelings of this House when the other amendments are considered.

With these few words, Sir, I oppose the amendment.

The motion was then put, and a division taken with the following result:

AYES.

Ali, Maulvi Hassan.
Bakab, Maulvi Syed Majid.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chowdhury, Maulvi Abdul Rhaui.
Choudhary, Maulvi Nural Absar.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Hoque, Kazi Emdadul.
Khan, Maulvi Tamizuddin.
Qussem, Maulvi Abul.
Rahman, Maulvi Azizur.
Ray, Babu Amulyadhan.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ashworth, Mr. G. B.
Basu, Mr. Narendra Kumar.
Birkmyre, Mr. H.
Bose, Mr. S. M.
Bottomley, Mr. J. M.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Babu Kishori Mohan.
Cohen, Mr. D. J.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Edgley, Mr. R. B. A.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dildaar.
Gilchrist, Mr. R. R.
Gladding, Mr. D.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Khan, Mr. Bazaar Rahman.
Martin, Mr. C. M.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Mittra, Raba Sarat Chandra.
Mocherjee, Mr. Syamaprasad.
Nag, Reverend B. A.
Rag, Babu Sub Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Poddar, Seth Hanuman Prasad.
Rahman, Mr. A. F. M. Abdur-.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Reid, the Hon'ble Mr. R. N.
Ray, the Hon'ble Sir Rijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Ray, Mr. S. N.
Sachse, Mr. F. A.
Sarkar, Rai Bahadur Bohari Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. B.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Steven, Mr. J. W. R.
Sumner, Mr. C. B.
Townend, Mr. H. P. V.
Walker, Mr. W. A. M.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 12 and the Noes 56, the motion was lost.

Mr. Basu's motion that the proposed amendments of the Standing Orders as reported by the Select Committee be taken into consideration was then put and agreed to.

Maulvi TAMIZUDDIN KHAN: These items, Sir, are almost similar, and with your permission, I shall move them together and make one speech on both.

Mr. PRESIDENT: Yes, you may do so.

Maulvi TAMIZUDDIN KHAN: I beg to move that clause (*c*) (*a*) and (*b*) be omitted. That is my proposition. Here the proposal made by the Select Committee is that the right of priority which members at present enjoy, should be done away with. I beg to oppose it. Standing Order 6 deals with questions as well as resolutions. If a question remains unanswered at a particular session, the provision is that it shall be answered in the next session. Similarly, if a resolution remains undisposed of, and the member responsible for the resolution gives notice of his intention to proceed with it at the next session, that resolution is given preference at the next session. That is the present Standing Order. If that proposal is altered, it will interfere with a valuable right of individual members. In certain subsequent proposals, of course, it has been stated that if a certain number of members agree, and if the Hon'ble Member in charge of the department and the President agree, then one resolution a day, or one resolution in a session may be brought forward for discussion in supersession of the order fixed by ballot. I submit that this proposition will not compensate the loss that individual members will suffer if the right of priority is taken away. Only influential members will be able to take advantage of this provision; but so far as weak members are concerned, they can never expect to get the support of 35 members to have their resolutions brought forward for discussion. Therefore if the amendment proposed by Mr. N. K. Basu is accepted, the right of priority will be taken away. I admit that on account of this priority rule some stagnation of business takes place, but so far as that is concerned, as Babu Amulyadhan Ray has properly pointed out, it may be left to the discretion of individual members to choose whether they will move a particular resolution or not. If it is out of the time no member will like to proceed with it at the next session. Individual members may be trusted to have a sufficient sense of responsibility. As regards the proposal to bring forward a resolution from the bottom for discussion on any one day or session, I am prepared to support it. But the proposal is that one resolution may be thus brought forward each day. I think not more than one resolution should be so brought forward in one session. I expect that this will be carried, and if it is carried, it will remove the stagnation to a great extent. So the right of individual members to indicate their priority should not be taken away. There are things, Sir, which are important to individual members and which are important to their particular constituencies. Other members may not think these matters to be so important. If a particular member who is interested in such a matter wants to bring forward a resolution on such subject, it may not be possible for him to bring it in for hearing even in the course of the life-time of a council under the new conditions. At present a resolution may come up after 2 months or 3 months or even a year. Mr. Basu has referred to a resolution which came up after two or three

years. I think that resolution was a very important one. If the priority rule was not there the member in charge of that resolution would have to seek the support of 34 other members to bring forward the resolution. Who knows whether that would have been possible. This is an important question. The right of priority is a valuable right of individual members and I hope that the members of the Council will not be prepared to give it up.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Mr. President, Sir, I see my friend, Mr. Tamizuddin Khan, has practically supported Babu Amulyadhan Ray. They are probably under some misapprehension. The position of this Council is really becoming intolerable. Hundreds of resolutions are tabled by different members of this House and one day of, say, 3 hours or 2 hours is just allotted for the discussion of all the non-official resolutions. The result is that probably one resolution may be moved in one session. This is absolutely scandalous and the fault lies with those who give time to the non-officials to ventilate the grievances and the demands of the people on the floor of this House. If the reforms have given any power to the people of this province, it is their right to discuss through their representatives in this House matters of urgent public importance by means of resolutions, but unfortunately my own experience of a large number of years as a non-official member of this House leads me to complain that things are not so well managed as they ought to be. Then it may be that one resolution which has found a first place may be unimportant. The whole time of the House may be wasted in the discussion of that resolution. Of course I do not say that there should not be some provision for this ballot system. But if by ballot it is found that unimportant matters are coming before the House, it should be within the discretion of 35 members of this House along with the Government Member and the President to allow some special resolutions to be moved. That may bring at least some relief to the public. My friends are very anxious to see that poor individual members who may not have 20 or 30 other members to combine with them are not debarred from discussing any resolution which they like. But I believe the members of this House are all gentlemen who know the importance of the subject which would be discussed in this House, and if some power is given to the House to so adjust matters that the more important resolutions may be actually brought forward for discussion, no harm will be done to anybody. I believe I can also claim to come from a community which is really backward and one of the members of the backward community has been rather thinking that this will really prejudicially affect his case. I can assure him that there will be absolutely no difficulty for him to approach all of us and have the support of 35 members if the subject he wants to bring up before the House is of general public importance. This being the case, I wholeheartedly support the proposal of my

friend, Mr. N. K. Basu, although I have not been able to see eye to eye with him in many other matters. As far as Maulvi Tamizuddin Khan's amendment is concerned, I do not like to give him the impression that I would like to oppose him always; perhaps this is the first and last time when I oppose him.

Babu HEM CHANDRA ROY CHOUDHURI: Mr. President, Sir, the objects for bringing forward these amendments to the Standing Orders are mainly two: one is to regulate the discussion of the resolutions and the second is to give the House an opportunity to discuss more important resolutions, and I think if these amendments be omitted, these objects will not suffer in any way; for if clauses 68A and 68B are carried, then these objects will be served, whereas if clauses (*i*) (*a*) and (*i*) (*b*) be carried, the rights and privileges of the members will suffer a great deal. Sir, if any member finds himself interested in a particular subject and tables a resolution, he may have a chance in some session or other if he notifies his priority to have that resolution discussed on the floor of this House; whereas if these amendments be carried, he may not have any opportunity of having his resolution discussed during the whole life of the Council. I think that the main object of the hon'ble member in charge of these amendments would not in any way be hampered if the clauses be omitted. I hope the House will agree in getting these clauses omitted.

Maulvi ABUL QUASEM: Mr. President, Sir, I rise to give my whole-hearted support to the amendments moved by Maulvi Tamizuddin Khan. Sir, as a member coming from the *mufasaal* I know how difficult it is to secure for a particular resolution, in which a *mufassal* member and his constituency are vitally interested, a place which will make it possible to be discussed within a reasonable time. I can speak from my own experience that one resolution in which my constituency is vitally interested and of which I have given notice session after session has this session got the 27th place in the list of resolutions. This right of indicating priority at least serves one purpose, namely, it brings prominently to the notice of Government again and again the particular subject in which a particular member may feel keenly interested. The system of indicating priority as regards resolutions which remain undisposed of at the end of a particular session is to me a very valuable right, and not a single argument has been advanced on the floor of the House which convinces me that we should forgo this right in any way. I do not understand how if this particular right is left to the members the purpose which the hon'ble mover of these amendments to the Standing Orders has in view, will be frustrated. He is principally interested in one thing; that is that

a particular resolution which will have the support of at least 35 members will be given priority over other resolutions. So far as Maulvi Tamiruddin Khan's amendments are concerned, these amendments are not going to interfere with that desired end. So I say that this right of priority which is now enjoyed by the members of this Council should not be allowed to be taken away. One important thing has been pointed out by other members and I also desire to lay emphasis on that. It is this: that if a group of 35 members feels inclined to support a particular resolution because they think it to be important, they can get precedence for it over other resolutions. A *mufassal* member may not have the good fortune to belong to a group of 35 members and may not find it possible and easy from his situation to persuade 35 members to agree that his resolution should be given precedence over other resolutions and so he would be left helpless and in the background. For all these reasons, Sir, I am firmly of opinion that this right of priority should not be taken away from individual members.

Mr. SHANTI SHEKHARESWAR RAY: Mr. President, Sir, this is an important matter and I think I ought to draw the attention of the House to the necessity of retaining the rule as it stands. The idea in having this rule is that a member should get a reasonable chance of ventilating the grievances of his constituency on any particular subject to which he may want to draw the attention of Government and the House. Well, in one way it is a salutary check on the system of ballot. By retaining this rule the member gets a chance sooner or later even if the ballot goes against him on the first, second or third occasion. It may so happen that he may draw the 4th or 5th place on the first ballot. There is reasonable chance for him to bring it before the House but if the resolution remains undisposed of on the occasion of the next ballot perhaps he may secure the 25th or the 50th place. In that way there may not be ever a chance for him to bring the matter before the House, though he may have secured the 4th or 5th place in the first ballot. By retaining the system of priority, as I have already said, he gets an opportunity to bring it before the House at a subsequent meeting whatever the result of the ballot may be in connection with other resolutions on a subsequent occasion. There is one point against it and that is if you retain the priority system, it may not be useful in sending notices of new resolutions. There may be 50 or 60 such priority resolutions still undisposed of and the new resolution, even if it secures the first place, may not come up at an early date. For that reason I think the changes proposed in the subsequent section will be helpful and an important matter may be brought up before the House with the consent of the Hon'ble Member, the President and a large section of the House. I would, therefore, suggest that we should not be in a hurry to make a change in the existing rules.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to support the amendments. I think it is going beyond the necessity of the case to have these rules regarding priority of resolutions abolished. The main idea underlying the Bill is to allow matters affecting great public interests to come up for discussion first. We know from our experience that by a freak of the ballot box most important resolutions are relegated to a very minor position, and the result is that session after session we fail to discuss resolutions bearing on most important public affairs. We are all agreed that there should be some change in the existing Rules and Standing Orders, but I submit that it is not necessary for that purpose to have any change in Standing Order No. 6. There may be resolutions on certain subjects which may not be of interest to the whole country but may be of vital concern to particular parts of the country, and members representing a particular constituency are well aware of the importance of those subjects and they are probably asked by their constituency to have those particular subjects discussed on the floor of the House, and we find very often that members feel keen disappointment because they cannot bring up those subjects for discussion on account of the vagaries of the ballot box. But if some sort of priority rule exists, in that case there is a chance of such resolutions coming up in the next session. That I think would be some sort of solace to those members who are particularly interested in those particular subjects. It has not been clearly pointed out how this Standing Order prevents a member from bringing up important resolutions for discussion. I submit that having regard to all the circumstances this Standing Order No. 6 should stand as it is and not altered.

Mr. S. M. BOSE: Sir, I oppose all these amendments. There is no reason whatever why old and out-of-date resolutions, say 2 or 3 years old, should stand in the way of new and up-to-date resolutions. Why should old resolutions block the way of members bringing in new resolutions? Let the dead past be buried, and let all the members stand on equal footing. I think it is most undemocratic to allow old resolutions to stand in the way of new ones. I want to point out that Orders Nos. 68A and 68B have nothing at all to do with this matter. The idea underlying the amendments to the Standing Orders is that all resolutions, except special ones, should have the same chance. I think that is real democracy, and on this ground I oppose all these amendments.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I rise in support of the motion of Maulvi Tamizuddin Khan. Sir, we are on the eve of great constitutional reforms. We know it for certain that the Rules and Standing Orders of this Council will be considerably changed along

with the introduction of the forthcoming reforms. So it would have been better if my esteemed friend, Mr. N. K. Basu, would have waited for the introduction of his constitutional amendments till the advent of new reforms. However, as these amendments have been introduced, we should certainly discuss them on their merits.

Sir, the present system is that under section 20 (2) the order of priority of resolutions is determined by ballot. It is a parliamentary method and has got enormous advantages in the working of the constitutional system. For this reason it is provided under section 19 (7) that the order of priority as settled by the ballot is final. This particular section further provides that if any member gets priority by ballot for his resolution during any session but he does not get the opportunity of moving it, that particular resolution may be carried over to the next session and be set down for discussion in the order in which it stands and shall be given precedence to the resolutions to be ballotted for that session.

Sir, this procedure has got some advantages. In the first place it keeps the sanctity of the ballot box intact and does not interfere with the procedure sanctioned by the ballot box. If the precedence is determined in this manner, nobody can raise any objection or claim any priority in his favour, against the decision of the ballot box. On the other hand, if you do away with the system, you set at naught the sanction given by the ballot box. This particular member may not get any more opportunity of getting his resolution to the forefront.

In the second place, the object and reason for the introduction of this procedure is to give each member an opportunity of bringing a matter in which he has particular interest, before the House for discussion, at least once in his life-time. Otherwise he may not get an opportunity of bringing it forward at all. For this reason, if not for any other, we should hesitate to disturb the present arrangements.

Sir, it is argued that this system shuts out important resolutions from being brought before the House for discussion. There is no doubt that important matters affecting major interests of the province should be given facilities for discussion. But, Sir, I submit that in the existing Rules and Standing Orders there is ample provision for the resolutions of particular interest. I would draw the attention of the House to section 78A of the Bengal Council Rules. There you have got ample opportunities to move special motions for a comparatively interesting subject. From our past experience we have found that the House has given ample opportunities to different members at different sessions to get his own motion to the forefront under this section. As for the restriction of time, the provision of closure is meant for it. The President has been given ample powers to see that the provision of closure be not abused.

Under the circumstances I do not see eye to eye with my friend, the sponsor of these amendments, regarding the necessity of this move. So I move that the clause be omitted.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I did not imagine before I came to this House to-day that there could have been so much enthusiasm on the question of priority to which we have been used so far. After all, to me it seems that we have been fighting over a bone which has been licked white. The right of moving resolutions has been reduced almost to a ridiculous farce by reason, among others, of the Standing Order with regard to priority. We have an extraordinarily short time allotted to resolutions and that ought to warn us that resolutions are not wanted. Then in the second place within that short time when you think of bringing forward a motion which is of importance, you are blocked by a formidable number, say about two dozen of resolutions which have attained their place by reason of priority, even if you had luck with the ballot box. Personally I had never luck with the ballot box, except only once when my resolution came first by reason of this priority rule, and then unfortunately I was away and Nawab Musharraf Hosain kindly moved the resolution for me. Therefore, if there is anybody who should be thankful for this rule of priority, I should be that person. But all the same I think it to be absolutely unjustifiable. I am surprised to find that this priority rule is supported on the ground of sanctity of the ballot box. I should say that if the sanctity of the ballot box means anything, it has altogether become useless on account of this rule of priority. The ballot box may declare in my favour but I have to wait possibly for three sessions before I get a chance, and that is the sanctity of the ballot box. I think it is best to trust to luck and nothing else. Trust the ballot box, and if you do not get a chance, you will have to thank your luck for it and nothing else. Under the present rules, on the contrary, you may have luck of the ballot box but all the same you may or may not get a chance. I am all for sanctity of the ballot box, for which Rai Bahadur Satyendra Kumar Das has so eloquently pleaded, and for that reason I say leave out the priority rule altogether.

Mr. C. R. DAIN: I find it extremely difficult to understand exactly what amendments we are now speaking on (MR. NARENDRA KUMAR BASU: Nos. 3, 4, 5, 6). I desire to put in a few words in favour of my friend the old elephant. It seems to me, Sir, that all this is extraordinarily simple. Roughly speaking, 100 resolutions are presented to the Council every year: only two are taken and the rest passed by the way, so that we have 98 left over. Next year, taken all round, we begin with a new 100, of which, again, two only are taken up and the rest die, so that at the end of two years we have 200 resolutions on the

books, and at the end of 10 years we have a thousand resolutions and at the end of the life-time of the younger gentry who will come after us they will have 30 thousand on the books, which is quite ridiculous. I support this amendment subject to an amendment which I have put in to that amendment which again is subject to another motion. I do beg of this House not to play with this thing, but to let us get down to common sense: when resolutions are put up every year unfortunately we cannot finish them much as we would wish to do so. So let us do all we can and let the rest go by the board.

Mr. NARENDRA KUMAR BASU: Sir, I beg to oppose the amendment. As has already been pointed out, this amendment of the Standing Orders which was made in 1923 was to give every member an opportunity once during his membership to bring a matter before the House for discussion. But what has been the result? It has resulted only in overburdening the order-paper and shutting out important resolutions brought before this House. If my learned friends bear with me for one moment I can tell them that in the February-March session, 1932, 136 resolutions were admitted for discussion but only 6 were discussed; in August-September, 1932, 119 resolutions were tabled but 8 discussed. In November-December, 1932, 103 were tabled but two discussed; In February-March, 1933, 109 were tabled but 4 were discussed. In August-September, 1933, 126 were tabled and 9 discussed. And all the resolutions which were discussed were mostly resolutions dating back at least 3 or 4 sessions previously. The result is that the time of the Council is wasted on comparatively unimportant matters—out-of-date matters—and really important matters do not find any chance of being discussed. Rai Bahadur Satyendra Kumar Das has stated certain ways by which important matters may be brought forward. These ways were discussed in the explanatory note submitted with my original amendments and my reply also will be found there. For one thing a too frequent use of section 78A regarding special motions would really be misuse of the privilege given us by that rule. As Dr. Sen Gupta has pointed out, what is the sanctity of the ballot box? Excepting in our Council, there is no other Legislative Assembly in India, so far as I know, where resolutions have not got to be ballotted for on each day that resolutions are discussed. But here you say that because I was given precedence two or three years ago in regard to certain resolutions that precedence must always stick to me and the ballot, having favoured me once in 1932, shall continue not only as long as the Council is alive, but, possibly if I come back to the Council again as a member, will hold good for the next Council also. So I submit, Sir, the sanctity of the ballot lies in having a fresh ballot every time resolutions are discussed. After all, what does this new amendment mean? It means that a person who thinks that his resolution is of any importance will submit himself to the sanctity of the ballot on each occasion that the

Council takes up resolutions. I submit that it is really not interfering with the ballot but supporting the sanctity of the ballot, and on these grounds I oppose the motions.

The question that clause (*i*) (*a*) and (*i*) (*b*) be omitted, was put and a division called with the following result:—

AYES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Barman, Babu Premhari.
Chaudhuri, Khan Bahadur Maulvi Alimazzaman.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Naji Badi Ahmed.
Chaudhury, Maulvi Nurul Absar.
Das, Rai Bahadur Satyendra Kumar.
Ensafji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Guha, Babu Protulla Kumar.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Karim, Maulvi Abdul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Maiti, Mr. R.
Poddar, Seth Hanuman Prasad.
Quasem, Maulvi Abul.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abdur-.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hemal.
Roy, Mr. Sarat Kumar.
Ray Chaudhuri, Babu Hem Chandra.
Saadatullah, Maulvi Mahammad.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES.

Ashworth, Mr. C. G.
Basu, Babu Jitendra Nath.
Basu, Mr. Narendra Kumar.
Birkmyre, Mr. H.
Bose, Mr. S. M.
Bottomley, Mr. J. M.
Chaudhuri, Dr. Jagendra Chandra.
Chaudhuri, Babu Kishori Mohan.
Cohen, Mr. D. J.
Dain, Mr. B. R.
Das, Rai Bahadur Kamini Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Edgley, Mr. N. G. A.
Faroqui, the Hon'ble Nawab K. B. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dilkusa.
Ghoshal, Mr. R. N.
Gladding, Mr. D.
Gupta, Mr. J. N.
Hogg, Mr. G. P.
Hooper, Mr. S. S.
Hussain, Nawab Musharruf, Khan Bahadur.
Law, Mr. Surendra Nath.
Martin, Mr. O. M.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nag, Babu Suk Lal.
Nazimuddin, the Hon'ble Mr. Khwaja.
Reid, the Hon'ble Mr. R. N.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Roy, Mr. S. N.
Sachse, Mr. F. A.
Sarker, Rai Bahadur Rebati Mohan.
Sen, Rai Sahib Akshay Kumar.
Sen, Mr. B. R.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Tej Bahadur.
Steven, Mr. J. W. R.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 39 and the Noes 49, the motion was lost.

The question that clause (*i*) stand part of the amendment to the Standing Orders was put and agreed to.

(The Council adjourned for 15 minutes for prayer.)

(After adjournment.)

Mr. PRESIDENT: I shall keep over clause (*ii*) as that is more or less consequential and should be taken up after clause (*iv*). In the meantime we shall take up clause (*iii*).

The question that clause (*iii*) stand part of the amendment of the Standing Orders was put and agreed to.

Clause (iv).

Maulvi TAMIZUDDIN KHAN: I beg to move that proposed Standing Order 68A be omitted. Sir, this proposed Standing Order seeks to empower the President to fix the maximum time-limit that may be available for the discussion of a resolution and also putting a stop to a lengthy discussion over a particular resolution. Sir, so far as that is concerned, I think the present rule is quite convenient and meets the exigencies of the situation. This is an innovation and will place a good deal of difficulty on the shoulders of the President in deciding matters like this. The Hon'ble Mr. Woodhead in his dissenting note made this point clear. I do not like to dilate any further on the subject.

The Hon'ble Mr. J. A. WOODHEAD: With your permission, Sir, I would like to explain the attitude of Government towards Standing Order 68A and this amendment. As I indicated in my minute of dissent, Government are doubtful of the wisdom of fixing a limit on the discussion of resolutions in the manner proposed, but they have decided to leave the decision of this matter to the non-official members of the Council. The Members of Government and the official members will not vote in regard to this proposed Standing Order.

Mr. NARENDRA KUMAR BASU: I submit that one of the great safeguards to have resolutions discussed during a session, is this power to limit speeches, and I see absolutely no reason why the President, who is a nominee of the House, should not exercise this power in the interests of the House. I oppose the amendment.

The question that the proposed Standing Order 68A be omitted was put and lost.

Mr. C. R. DAIN: Sir, I beg to move that proposed Standing Order 68B be omitted.

I am very much against interfering with the right of the ballot. For resolutions a ballot is conducted, and to interfere with it seems to me a great mistake. The ballot may give to minority groups, also minority people a chance of putting forward some resolutions which they wish to put forward, and I do not see that they stand to gain anything by the voting of a resolution lower down on the list. If by chance they obtain a high position or a top position in the resolution list, they have a chance of voicing their opinions. But if, on the other hand, they obtain that vote, they obtain the right of the ballot. There are parties in this House who possibly might do them out of their right of ballot. I beg of you gentlemen to consider these minority groups. They have a right to be heard but their chances are unfortunately small and those chances should not be reduced by giving the majority groups the right to bring forward something that interests them all. I admit that there is not the slightest doubt that there must be from time to time important questions with which the House should be concerned, but there are other means of bringing these matters into prominence, and the submission I make to you gentlemen is this: that there should be nothing taken away from the minority groups.

Babu SATISH CHANDRA RAY CHOWDHURY: Mr. President, Sir, I beg to oppose this amendment. This is the one provision which seeks to bring order where there is absolute chaos. It often happens that a particular resolution in which the majority of the members of this House are very keen and which is of very great public importance is relegated to the bottom of the list. There are very few members who have not felt the inequity of this arrangement on many occasions. I do not understand the force of the argument that the interests of the minority groups will suffer if this provision is enacted. There is no question of minority or majority in the sense of class minority or class majority. The point is whether it is a question in which the majority are vitally interested. And when there is such a resolution, that resolution ought to get precedence over all other resolutions. There are enough safeguards in this provision and the member-in-charge has very cautiously framed this provision. He has provided that only one resolution shall be given such precedence on any one day and if the President has got the power to set a time-limit to the speeches, there is no fear that a particular resolution which will come up for discussion under this provision will occupy the whole day. On the contrary it will serve the minority groups very well, because if a particular resolution finds a remote place in the list, it can be taken out of its turn if the member concerned can get 35 members to support him, and I do not think that responsible members of this House will refuse to support such an appeal. I submit, Sir, that this is the one provision in these proposals which ought to commend itself to the sympathy and support of the whole House, and, as I have submitted,

it will bring some sort of order where there is absolute chaos. We have very often not been able to discuss resolutions in which the majority of the House felt interested and which might be regarded to be of public importance. So I oppose the motion and support the proposal of the hon'ble member-in-charge.

The Hon'ble Mr. J. A. WOODHEAD: Sir, I just want to say one word and that is this: I have an amendment lower down as regards 68B. If that amendment is accepted Government will support 68B, but if the amendment is not accepted Government will oppose 68B. I want to make that point clear.

Mr. NARENDRA KUMAR BASU: Will it be in order, Sir, if I indicate my views regarding Mr. Woodhead's motion (No. 31)?

Mr. PRESIDENT: That is not necessary. You may wait till the fate of this amendment is decided.

Mr. NARENDRA KUMAR BASU: Sir, I feel a great deal of sympathy for Mr. Woodhead's amendment (No. 31) and if I feel that a considerable section of the House support it I shall certainly accept it. As regards the present amendment I beg to oppose it. Section 68A which has been accepted by the House is a great safeguard against the interest of minorities being jeopardised.

The motion was then put and lost.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that in proposed Standing Order 68B(*1*) in line 2 for the words "thirty-five" the word "fifty" be substituted.

I have heard much about the sanctity of the ballot. This proposed amendment is an infringement of the sanctity of the ballot. It is however considered to be a salutary provision and therefore we are asked to accept it. Now the question is whether the infringement should be made easy or whether there should be some difficulty placed in its way. My proposal is that instead of the consent of 35 members, the consent of 50 members must be taken for bringing forward a resolution out of its turn. If that is done it will not be possible for small groups to bring in their resolutions without consulting other important sections of the House. If the number is fixed at 50 then it will be necessary, generally speaking, to get the consent of all sections of the House in order to bring in a resolution from the bottom to the top.

Rai Bahadur SATYENDRA KUMAR DAS: Mr. President, Sir, my reason for supporting this amendment is simply this—that it greatly curtails the possibility of individual members getting the chance of their

resolutions moved. It is surely interfering with the sanctity of the ballot. Suppose, Sir, an individual member has a special interest in a particular subject—the ballot box also favours him with a precedence, but there comes a more influential member with the signature of 35 members and he gets the necessary permission of the President to take his own resolution out of order. The fate of the poor private member is thus doomed and he is thrown out. Then there is another very important thing to be considered. The time-limit for non-official resolutions are generally allotted on the first day of the session. It is well known that the *mufassal* members reach Calcutta on the very morning of the session, mostly after a long and tedious railway and steamer journey. It will be quite impossible for them to get any advantage from this new modification of the law, because these members will never be able to secure the signature of 35 members for getting any of their resolutions moved. On the other hand any influential member who is a resident of Calcutta will be able to get the necessary consent of members and take advantage over the *mufassal* members. For these reasons if the number be raised to 50 it will be equally difficult for the Calcutta members to proceed in the matter without the help of the *mufassal* members. So I hope that the number will be increased to 50. With these words I support the motion before the House.

Mr. P. BANERJI: I rise to oppose the motion moved by my friend, Maulvi Tamizuddin Khan, for the simple reason that while he expresses a desire to safeguard the interests of the minority he forgets that by raising the number from 35 to 50 he will perpetually seal the fate of the minority. As we are circumstanced in this Council, if a group of a large body of members which is in the minority ever thinks or considers a resolution to be of very great public importance, naturally that resolution will be tabooed. In a case like this it has always been found that if the Government member is approached by a large number of members say about 40 who are in the good books of Government, those members do not find any difficulty in getting their resolutions moved. Therefore it will be easy for them to get the signature of the requisite number of members. Originally the number was fixed at 25; then the Select Committee raised it to 35 and my friend wants to raise it to 50. That shows that the opposition on this side will be perpetually debarred from moving any important resolution. In this view of the matter I oppose the motion.

The Hon'ble Mr. J. A. WOODHEAD: I support the amendment moved by Maulvi Tamizuddin Khan. The normal order of business in the House is that a resolution should be discussed in the order determined by the ballot. It is important that the interests of the minority members should be safeguarded, and that not only minority groups

but also individual members should have an opportunity of bringing a matter in which they are interested before the House. The ballot procedure has this great advantage. It gives all parties and all members the same chance to bring resolutions before the House. And, as I said, this feature of the ballot system is one of great advantage. The proposed Standing Order 68B provides what may be described as a supplementary procedure whereby the order as determined by the ballot can, in certain circumstances, be overridden. The justification for such a procedure lies in the need of some measure whereby a very important resolution or, as Mr. Basu has expressed it in his note on his amendments to the Standing Orders, an important resolution affecting the major interests of the province, may be taken out of its turn. The method adopted in this proposed Standing Order is that of a requisition signed by a certain number of members of the Council. It is obviously desirable that the number of such members should not be too small because that would enable a comparatively small minority of the House to override the order of ballot in order to bring a matter in which they are particularly interested before the Council. The ideal to be aimed at is a number which will indicate that the resolution is of such importance to the House as a whole as to justify the normal order as determined by the ballot being overridden. Naturally perhaps there is difference of opinion as regards what that number should be, but Government have always favoured a higher number than 35. For that reason I support the amendment of Maulvi Tamizuddin Khan.

Mr. PRESIDENT: I should like to have one point cleared. If I remember aright you said that Government would support Order No. 68B, if your amendment were accepted. Are you going beyond that? Mr. Basu has accepted your amendment.

The Hon'ble Mr. J. A. WOODHEAD: What I venture to convey is this, if my amendment to 68B is not carried, Government cannot support 68B.

Dr. NARESH CHANDRA SEN GUPTA: Sir, the whole question upon this amendment is whether the number should be 35 or 50. There is no peculiar charm in either number. The question is what is the number which gives an assurance that a substantial part of the members of this House require that a particular resolution should be taken up. Looking at the constitution of this House and the way in which we have divided in the past it is easy to see that—I cannot speak for the group to which Mr. Tamizuddin Khan belongs—but it is easy to see that there is no other group in this House which can possibly get the support of 35 members to take a resolution out of its turn unless that resolution is one which is of real importance so as to require discussion in this House. It is only by the inherent worth of

the resolution that other groups can get the support of the 35 members. If you make it 50, you practically make it impossible, because looking at the division lists we find that 50 has been in most cases the number required for carrying a resolution. Therefore, if you fix that number, you make it impossible to bring up a resolution for discussion in this House. That is not exactly what is intended by the proposed Order 68B. To make it 50 would be to make it impossible to bring up a resolution out of turn for discussion. To make it 35 makes it possible only if the resolution is of sufficient weight and importance. I do not think there is any substance in the argument used by Rai Bahadur Satyendra Kumar Das when he spoke on behalf of the *mufassal* members. There is no antagonism between *mufassal* members and town members with regard to any resolution. If a resolution is weighty and of importance, both *mufassal* as well as town members who belong to the same opinion will agree that it should be taken up for discussion out of its turn in preference to any other resolution, say for instance, a resolution regarding the provision of facilities in a burning *ghat* in a *mufassal* town. Having regard to that I do not think that there is really any antagonism between *mufassal* members and town members as imagined by the Rai Bahadur On the other hand, 35 seems to me to be the maximum number than can be fixed.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I have just got one word to say in reply to Rai Bahadur Satyendra Kumar Das. He appears to argue on behalf of the *mufassal* members. As stated by Dr. Sen Gupta, there ought not to be any difference of opinion between *mufassal* members and town members on this question, but even if the matter be looked at from the point of view of *mufassal* members, I would be for reducing the number even below 35. If you make it 50, you certainly do not help the *mufassal* members to bring forward their resolutions for discussion. I therefore support the figure 35.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, it appears that Government wants to put a handicap on such an important matter. My complaint in the beginning was that Government did not give sufficient time for the discussion of matters of general public importance.

Mr. PRESIDENT: You forget that it is His Excellency's prerogative.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I yield to your decision. Then the question is that so far as this question is concerned, it is not the 35 members alone who will be able to get precedence. They will have to take the consent of the Hon'ble Member in charge and the President. So, if the Government have no confidence in their own Member, they should put in further handicaps in a matter like

this. I believe the moment Government lose confidence in their own member, they should ask him to resign. Then as regards the President, he is above us all and it is not very easy to get his consent. These two handicaps are already there and if they are not sufficient and if Government think that another handicap should be imposed, I am afraid I cannot agree with them. I want the House to be reasonable. The two handicaps that are proposed here are I think quite sufficient. In the beginning of a session, 50 members cannot be expected to come forward and ask for a preference like this. I would, therefore, ask the Hon'ble Member of Government to reconsider his decision and to see his way whether he cannot agree with us in a small matter like this.

Mr. S. M. BOSE: Sir, it has been said very often that the sanctity of the ballot box should be maintained. It would, therefore, follow that it is only under very exceptional circumstances that the order should be changed. It is only when the matter is of overwhelming importance that the normal order should be altered. Therefore, it follows that it must be a matter of very great importance and that a large number of members should entirely agree. It is only then that this exceptional step should be taken. It is, therefore, the bounden duty of any person who wants an exceptional treatment to prove that a large number of members agree with him on this point. I believe there are about 140 members in this House and 50 would make it nearly one-third. I think this number should be adopted.

Mr. NARENDRA KUMAR BASU: Sir, I rise to oppose this amendment. I must say that so far as this question is concerned it will be in the recollection of members that the original proposal was that a requisition from 25 members should be sufficient. The matter was threshed out in the Select Committee and—I will not use the word compromise—something like a *via media* was accepted. We settled that if a requisition was signed by 35 members, precedence should be given. In this connection may I remind the House that even in the case of such a matter of vital importance as a motion of no confidence on a Minister, the number required for tabling the resolution is 46 and in the case of a special motion for adjournment of debate the number required is 30. After all, in a House of 140 members including officials if you want 50 members to sign a requisition that a certain resolution should be taken out of turn, that would be making it a dead letter. I would appeal to my friend, Maulvi Tamizuddin Khan, and ask him not to press this to a division. I know he has his objection to the whole series of amendments, but I hope he will not do anything which will make these amendments ineffective. As for Government, I do not know why they should interfere in this matter by casting their weight on this side or that. This is a matter solely affecting non-official members. So far as the question of precedence is concerned, the official

members have nothing to do with it. The resolutions are all non-official resolutions. For the Government to say that they would not have any resolution taken out of its turn unless there were 50 members in support of it would be that they did not want any matter to be taken out of turn. That I think the Hon'ble Member has not stated either in his speech or in his note of dissent. He has said that there ought to be certain safeguards. In their note of dissent the Hon'ble Mr. Woodhead and Mr. Hooper say that if there is more than one requisition, the decision should lie not with the President but with a special ballot. That is something which I can follow because that will not make the new rule infructuous, but if you make it 50, you make it infructuous. I, therefore, hope Government will not support it, and I oppose the amendment.

The motion was then put and agreed to.

Maulvi ABUL QUASEM: I beg to move that in proposed Standing Order 68B(*1*), in line 6, after the word "concerned" the following words be inserted, namely:—

"and the member of the Council in whose name the first resolution appears on the list of business."

Sir, much has been spoken of the sanctity of the ballot box. A member who has been fortunate enough to get priority for his resolution is by this rule going to be deprived of the very much valued privilege to which he has become entitled as a result of the ballot. Now, Sir, the consent of the President will be necessary before a resolution is allowed to be taken out of its proper order and given precedence over other resolutions on a particular day. Similarly consent is also to be taken of the Member of Government in charge of the subject. But the fortunate member who has had a resolution placed at the top is not to be consulted, though he is going to be divested of a very valuable right, which has accrued to him through the ballot. So I think, Sir, it is the barest of justice and of courtesy that his consent should also be taken before his resolution is allowed to be superseded by a resolution, which will be taken out of its proper order. If I suggest that the consent of the member of the Council, alone, in whose name the first resolution appears on the list of business, should also be taken, it is because it has been our experience in the Council that only one resolution as a general rule is discussed in one session. Therefore the member whose resolution tops the list of resolutions for a particular session is the person most vitally affected by such precedence being given to another resolution out of its proper order. That is why I desire that the consent not only of the President of the Council and of the Government Member in charge, but also of the member in whose name the first resolution appears on the list, should be taken. This I

consider not only an act of courtesy but also an act of the barest justice; and I hope the House will have no hesitation in accepting my amendment.

Dr. NARESH CHANDRA SEN GUPTA: I think Maulvi Abul Quasem's amendment, after the decision of the House on the last motion, is exactly the thing which ought to be done. As it is, the last amendment has made the proposed section 68B absolutely infructuous and Mr. Quasem's amendment will simply drive one more nail into the coffin.

Mr. NARENDRA KUMAR BASU: I leave the matter to the House.

The motion was put and lost.

Maulvi TAMIZUDDIN KHAN: I beg to move that in the proviso to proposed Standing Order 68B(*1*) in line 2, for the words "on any one day" the words "in any one session of the Council" be substituted.

My proposal is quite clear from the amendment I have moved. The proposal of Mr. Narendra Kumar Basu is that on each day of the Council on which resolutions are fixed to be taken up one resolution can be brought forward from the bottom and given precedence over those at the top. I submit that if that is done it will be nullifying the effect of the ballot altogether, because, as we have seen from experience in this House, very often more than one resolution cannot be taken up and finished on a particular day. Therefore if on each day one resolution is given precedence to, resolutions that have been favoured by the ballot will have very little chance of being taken up and discussed. So I think we should give preference to only one resolution in one session and not to one resolution each day.

The Hon'ble Mr. J. A. WOODHEAD: I shall say only one word on this amendment and that is that Government will remain neutral.

Mr. NARENDRA KUMAR BASU: I think Maulvi Tamizuddin Khan is labouring under some misapprehension. He has forgotten that Standing Order 68A which has just been accepted by the House gives the President power to limit the time spent on any resolution and that is one of the safeguards which have been proposed by the Committee to see that the time of the Council is not wasted on one particular resolution, and if a resolution is allowed by the President to be taken out of its turn, I think Maulvi Tamizuddin Khan will be prepared to concede that if the President fixes a time-limit for it, that will not bar the way to other resolutions being taken up. I therefore oppose the motion.

The motion was put and agreed to.

The Council adjourned for prayer for 15 minutes.

(After adjournment.)

The Hon'ble Mr. J. A. WOODHEAD: I beg to move that for sub-section (2) of proposed Standing Order 68B, the following sub-section be substituted, namely:—

"(2) If more than one such requisition is received in respect of any one day, and the consent required by sub-section (1) is obtained thereto, a special ballot shall be held, in such manner as the President may direct, to determine which of the resolutions specified in such requisitions shall be given precedence on that day."

The motion which I have moved seeks to alter the position and procedure of the present Standing Orders when more than one requisition is received. Sub-section (2) as it stands provides that when more than one requisition is received, the President shall decide which resolution shall have precedence. The object of the amendment is to substitute a provision that where more than one resolution is received, the resolution to be taken out of its turn shall be determined by lot. The existing provision requires that the President shall select the resolution which is to be discussed. But I trust that it is clear that in many cases no materials will be available to form the basis of a decision with regard to the relative importance of two or more resolutions, and therefore it does not seem proper to impose upon the President such a responsibility. The alternative proposed in my amendment is a simple one. It follows the principle adopted in the Rules and Standing Orders, the principle of the ballot. I hope my amendment will be accepted by the House.

Mr. NARENDRA KUMAR BASU: Even though at the time when this was mentioned a few minutes ago, I professed conditional acceptance of this amendment, and even though since then circumstances have been changed by the Government's acceptance of amendment 21, I still do not go back upon my word. I accept the amendment.

The motion was put and agreed to.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that in proposed Standing Order 68B(3) in line 3, for the word "twenty-four" the word "forty-eight" be substituted. I formally move my motion.

Mr. NARENDRA KUMAR BASU: I formally oppose it.

The motion was put and lost.

The question that Standing Order 68A in clause (*iv*) stand part of the amendment to the Standing Orders was put and agreed to.

The question that Standing Order 68B as amended in clause (*iv*) stand part of the amendment to the Standing Orders was put and agred to.

Clause (ii).

The question that clause (*ii*) stand part of the Standing Orders was put and agreed to.

Mr. PRESIDENT: Mr. Basu will you now put your final motion?

Mr. NARENDRA KUMAR BASU: If I am permitted to split my final motion in half, and to ask the House to accept amendments 1, 2, 3 and 68A (*iv*), I shall move it. If not possible, then I shall not move it.

Mr. PRESIDENT: That is not possible, Mr. Basu.

Mr. NARENDRA KUMAR BASU: Then I do not move my motion.

Special Motion under section 78A.

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: Sir, I beg to move that this Council recommends to the Government, that Government undertake the liability involved in the guarantee of a cash credit with a bank in accordance with the provisions of section 19 (*l*) (*b*) of the Bengal State Aid to Industries Act, 1931, to the extent of Rs. 50,000.

In commending this motion for the acceptance of the House I need only mention that since the passing of the Act by this Council in 1931, rules have been framed for the administration of the Act. Section 19 of the Act provides *inter alia* for the grant of loans as well as cash credit. Thanks to the generosity of some public-spirited gentlemen of the province, contributions amounting to Rs. 54,000 have been received with which a local fund in the name of the Bengal State Aid to Industries Act Fund has been created. Subject to the vote of the Council it is also proposed to provide funds in the next year's loan budget for the grant of State aid in the shape of loans to industries under the provisions of the Act.

As regards cash credit, it is proposed to give guarantee with a bank up to Rs. 50,000 according to the provisions of the Act. The idea behind this form of State aid is to enable *bona fide* industrialists or small industrial concerns to tide over temporary financial difficulties by guaranteeing their overdraft from a recognised bank. Only those industries which have proved their possibilities will be eligible for this form of State aid, which will be given on proper security.

As this proposal commits Government to financial liabilities it i necessary that it should have the sanction of the Council. On thes grounds, I commend this motion for the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: I have the rare pleasur of supporting this motion moved by my friend Nawab Faroqui, no because I am extremely satisfied with the proposals, not because I an extremely satisfied with all the good work that has been done unde the State Aid to Industries Act, but because we have to be thankful fo small mercies. I remember, that when we were discussing this Stat Aid to Industries Bill in this Council, confident assurances were made amongst others, by my friend, Mr. J. L. Bannerjee, who had not thei constituted himself the unfailing supporter of Government that he no is, he confidently assured us that this Bill was going to be a dea letter, and a dead letter it would have been but for the generous assist ance of a few public-spirited gentlemen whom the Hon'ble Nawa Sahib has named and amongst whom the Hon'ble Nawab K. G. M Faroqui is one of the foremost. Sir, it is a pleasure for us to find tha even in Bengal we have a Minister who believes in his programme to th extent of paying out of his own purse money for carrying out tha programme, and that is what the Hon'ble Nawab has done. For tha at any rate he is entitled to appreciation and support of the House because here is a man who evidently believes in his programme. I know that most of the provisions of the State Aid to Industries Ac are still a dead letter. I know that the programme of industrial deve lopment which is being worked by the Industries Department is hope lessly inadequate to the requirements of the country, but, as I hav said, even for small mercies we have to be thankful.

Maulvi ABDUS SAMAD: Sir, I whole-heartedly associate mysel with the sentiments expressed by Dr. Naresh Chandra Sen Gupta i appreciating the services rendered by the Hon'ble Minister in charg of Industries in carrying out the provisions of the State Aid to Indus tries Act. I also congratulate the Hon'ble Minister for his efforts i making larger provision in the next year's budget for this purpose. We hope that he will during the term of his office do everything possibl to make the provisions of the Act successful, and with these words I support the motion.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I should like to mak one observation in connection with this special motion, and that is this: that it ought to have been more definite; it is rather vague and it doe not specify with which bank Government is going to open a cash credi account. I also like to know from the Hon'ble Minister whether in involving the Local Government in such a liability the sanction of th

Government of India is not necessary, and whether that sanction has been obtained or not; because evidently this liability will be a charge on the resources of the State and I want to know whether without the previous sanction of the Government of India the Local Government can incur such liability.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, one of the great puzzles in the White Paper proposals for me is as to who would be the Finance Minister under the new constitution. I am glad that I find in Mr. Shanti Shekhareswar Ray the most suitable Finance Minister for the future. Sir, at present even if the Hon'ble Minister has been able to move the stony heart of Mr. Woodhead to open the doors of the Finance Department which are generally found closed against every demand for expenditure, he will have tremendous difficulty in the future in persuading a Minister like my friend, Mr. Shanti Shekhareswar Ray. I can however assure him that the proposal must have come from the Bengal Government.

Mr. SHANTI SHEKHARESWAR RAY: On a point of Order, Sir. Does the proposal come from the Government of Bengal? Has the Khan Bahadur any authority from the Government of Bengal or the Hon'ble Minister to say this?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: It has come from me on behalf of the department and not from Government.

Khan Bahadur Maulvi AZIZUL HAQUE: I can certainly take it that even if it does not come from the Government of Bengal it does come from a subordinate department of Government, namely, the Industries Department. So far as we are concerned, it matters little whether it comes from the Government of Bengal or from the Department of Industries. In any way I find that this motion is very welcome to all sections of the House, and that for obvious reasons. I know full well that the amount of money which has been sanctioned is not large but I certainly feel that this is a new departure from the policy of Government, namely, that in future it will be possible for Government to support the industrial development of the country by actual provisions of funds for the purpose in the budget, and I feel that is a most welcome feature of the future policy of Government. What Bengal needs more than anything else is the industrial development of the province. Our agricultural position is such that there are few secondary crops on which we can depend, and it is really by the industrial development of the province that we can hope to improve the condition of the province and I congratulate the Hon'ble Minister for bringing forward a motion of this nature which will make it possible for the Government to make

a start. At the same time I certainly congratulate the Hon'ble Finance Member on his giving tacit consent at least in bringing this proposal before the House, because the Finance Department is the institution which we must satisfy in the first instance and I believe we have been able to satisfy that department that a measure of this kind is urgently necessary. Some time back the Industries Department guaranteed to a certain bank by opening cash credit for a certain amount of money for the co-operative banks and this is the second time that Government in the Industries Department have come forward to undertake financial responsibility in a matter of vital interest to the people and I thank the Government for initiating this measure.

Mr. S. M. BOSE: Mr. President, Sir, I desire to join my voice to those who have welcomed this special resolution, and in doing so, may I draw the attention of Mr. Narendra Kumar Basu to the fact that here is an example of a resolution in which over 50 members agree.

Mr. L. R. FAWCUS: Sir, Mr. Shanti Shekhareswar Ray has asked two questions. I shall briefly give the information which he wants. He asked firstly which is the bank with which it is proposed to guarantee cash credits. The answer is obvious: with any reputable bank which will give a loan to a particular industrialist. Government may guarantee a cash credit after satisfying itself of the propriety of so doing. The second question is whether the sanction of the Government of India is necessary for the present proposal. To this my reply is that I have it on the highest available financial authority that no such sanction is required.

The motion was then put and agreed to.

GOVERNMENT BILLS.

Calcutta Port (Amendment) Bill, 1934.

The Hon'ble Mr. J. A. WOODHEAD: Sir, I beg to introduce the Calcutta Port (Amendment) Bill, 1934, a Bill further to amend the Calcutta Port Act, 1890.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. J. A. WOODHEAD: Sir, I beg to move, that the Calcutta Port (Amendment) Bill, 1934, a Bill further to amend the Calcutta Port Act, 1890, be taken into consideration.

Sir, the Bill is a short one and I hope non-contentious. It seeks to amend sections 24 and 24A of the Calcutta Port Act.

Clause 2 of the Bill substitutes a new sub-section for sub-section (*1*) of section 24. This sub-section was amended in 1907 by the Calcutta Port (Amendment) Act of that year with the object of enabling the Trust to raise short-term loans which might at a later date be converted into other short-term loans bearing a lower rate of interest. Government have now been advised that this intention was not carried out by the amendment introduced in 1907 and that section 24(*1*) as now worded requires the payments to the sinking fund to be sufficient to liquidate the amount of a loan by the date on which the debenture-holders are entitled to payment. They have also been advised that under the section as it stands if a debenture loan is issued for a term of years with an option to repay within that term the sinking fund must be sufficient to liquidate the loan within the shorter period. This clause, clause (*2*) of the Bill, seeks to amend section 24 (*1*) of the present Act so as to make it clear that the period of the sinking fund need not coincide with the period of the loan.

Clause 3 of the Bill seeks to amend section 24A with the object of removing certain difficulties in connection with the sinking funds maintained by the Port Commissioners for the repayment of their loans. Section 24A, as now worded, makes specific provision for the payment by the Port Commissioners of any amount which the Accountant-General at his annual examination may certify as deficit in a sinking fund but it does not expressly provide for the withdrawal of any excess in the fund. In the past, however, it has been assumed that the withdrawal of an excess was not contrary to the law and for a period of over 25 years those withdrawals have taken place from time to time. Here again the Government have now been advised that in the absence of any express provision such withdrawals are contrary to the Act as it stands. It is certainly desirable that the withdrawal of a certified excess should be permissible and clause 3 of the present Bill seeks to amend section 24A of the Act so as to place beyond doubt, the legal position in regard to the withdrawal of such an excess. Clause 3 also adds to section 24A a new sub-section validating the withdrawals made in the past.

An alternative method of adjusting an excess in a sinking fund is by a reduction in, or the discontinuance of, the half yearly contributions which are prescribed by section 24 of the Act, and here Government consider it desirable that the Commissioners should have the power, subject to the previous sanction of the Governor-General, not only to withdraw an excess either entirely or in part, but also to adjust an excess by a reduction or discontinuance of the contributions to the sinking fund. Clause 3 also makes provision for the use of this alternative method.

The matter is technical but I hope that my observations together with the Statement of Objects and Reasons will enable the position to be understood. I trust the House will accept my motion.

The motion that the Bill be taken into consideration was then put and agreed to.

The Hon'ble Mr. J. A. WOODHEAD: I beg to move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Waterways Bill, 1933.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: Mr. President, Sir, I rise to present the report of the Select Committee on the Bengal Waterways Bill, 1933.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: I beg to move that the Bill as reported by the Select Committee be taken into consideration.

Sir, while moving this motion I do not propose to go into the details of the Bill. I propose merely to refer to some of the salient points with regard to which important changes have been made by the Select Committee. At the outset, however, I desire to convey my warm thanks to the members of the Select Committee who have devoted very great care and who have taken a great deal of trouble in going through the various provisions of the draft Bill and in improving the same considerably. I am also obliged to them for the great trouble that they have taken by agreeing to sit almost continuously from the 8th November to 20th November, sometimes the sittings running till late in the evening. I am sure the House will endorse what I have said. They really do deserve our thanks.

Well, Sir, the first important change to which I should like to refer is the change which they have made in the constitution of the Board. It will be in the recollection of the members of this House that an Expert Committee was appointed by Government and that Committee submitted their report some time in the early part of 1930. Well, Sir, that Committee while dealing with the constitution of the Board said as follows:—

"In considering the constitution of the Trust, we have kept before us two main principles, first, that the Board of the Trust must be representative both of the general public and of commercial interests and, secondly, that it must not be too large."

In keeping these two principles before them, the Expert Committee recommended that the nucleus of the Board, in the first instance, should be constituted as follows:—

Chairman (*ex officio*),

Chairman of the Calcutta Port Trust (*ex officio*),

A Trustee elected by the Bengal Chamber of Commerce.

A Trustee elected by the Bengal National Chamber of Commerce.

Two Trustees elected by the Bengal Legislative Council.

Well, Sir, when the Bill was first drafted, the number that was suggested by the Expert Committee, namely, 6 was raised to 9, and this was done in order to give better effect to the first principle, namely, that it must be fully representative, and provided for two members to be nominated by the Local Government to ensure further representation. The Select Committee however raised that number to 12, and in doing so, they included two representatives of the district boards and one to represent the interests of persons carrying the business of transport by water within the jurisdiction of the Board. Now, Sir, in this connection I should like to draw the attention of the members of the House to what was said by the Expert Committee in their report. The Expert Committee were against this proposal and also another one, and they adumbrated as follows:—

"We do not however propose that either Government departments or river transport companies should be directly represented on the Board. It is desirable that the Board should be able to obtain, either formally or informally, the advice and help of expert officers of Government, such as the Chief Engineer, Irrigation Department, or the Director of Public Health or Railway officers. But one of the functions of such officers will be to advise Government on its schemes proposed by the Board, and they would not be free to express their own views in meetings of the Board unless they had ascertained the wishes of Government."

They then said—

"We therefore propose that the constitution should make it possible to associate them in the work of committees of the Board but that they should not be members of the Board itself. On the general principle that persons financially interested in the operations of the Trust, either personally or as employees of others, should not have a voice in its decisions, we would not allow representatives of river transport companies to be members of the Board."

Well, Sir, that was what the Expert Committee recommended in their report. After the Bill was referred to the Select Committee, the steamer companies through the Bengal Chamber of Commerce proposed

that the Select Committee should not meet until they had given them a hearing, and with that view they asked for permission to wait on deputation to His Excellency the Governor. In reply they were told that on principle Government were not prepared to receive a deputation and enter into discussion with them at this stage. The Chamber were, however, informed that they could make a request to the Hon'ble Member for Irrigation as President of the Select Committee to give them facilities for placing their views before that committee. Those facilities were given. The five representatives of the Chamber of Commerce including, I believe, some financial advisers appeared before the Select Committee and placed their views before them, and the Select Committee gave them a very patient hearing. The members of the Select Committee, as far as I recollect, discussed all the points raised by them, which resulted or boiled down to three important points. One was that they pressed that a representative of the steamer companies should find a place on the body of the Trust. Then the Select Committee by a majority of votes decided to include a representative of persons carrying on business of transport by water within the jurisdiction of the Board and that he should be one of the three members to be appointed by the Local Government under sub-clause (*g*) of clause 5. It will thus be seen that the Select Committee went beyond their limit to meet the wishes of the Chamber and the steamer companies.

Now, Sir, as regards the remaining two points, the official members of the Select Committee abstained from voting and it was agreed that these two propositions should not be embodied in the Bill but should remain as recommendations of the Select Committee for consideration of Government. These are set forth on page 4 of the Select Committee's report. As regards these two matters, I may inform the House that they are still under the consideration of Government and that it has not been possible to reach a decision up to this time, but I can assure the House that the matter is being fully explored.

One of the matters was the question of the diversion of some money from the Calcutta Improvement Trust. As regards that proposal, Government had taken steps without delay to elicit the views of the Trust. They have got the reply of the Trust and it is under the consideration of Government. I am certain the House will appreciate that if effect were to be given to the recommendations of the Select Committee, it will be necessary to have a special legislation.

Well, Sir, the next important change which the Select Committee introduced was to increase by 50 per cent. the number of members of the district committees in order to make them more representative. Of the four extra members, the district boards' representation has been increased by three and one member has been added to represent riparian municipalities.

I now come to the question, a very important question, of water-hyacinth. It will be in the recollection of the House that time after time, member after member got up and inquired which department was responsible for tackling this pest. It will also be within the recollection of this House that some thought that the Department of Agriculture was responsible, while others wanted to fasten the blame on the department of which I am in charge. Be that as it may, I shall be quite right if I were to say that attempts had been made for many years past to tackle with this horrible pest which is causing such havoc to agriculture and is doing a lot of harm to the country at large, but so far nothing has been done in the direction of combating this pest. The Select Committee has properly inserted a special clause, viz., clause 43B (5), whereby it is made possible for the Board to clear or destroy water-hyacinth in any district where there are navigable channels under the control of the Board, and I am certain that when the Trust begins to function it will as a matter of necessity have to face the question of combating this evil.

Well, Sir, it is a very important change, I would say a very important improvement, for which my thanks are due to the members of the Select Committee. I think the House will realise that it is for the first time that a definite provision has been made in a piece of legislation for fighting this scourge, which is so injuriously affecting the well-being of the province.

I next turn to another improvement effected by the Select Committee, and that is that they have introduced a greater measure of Government control over the fund which will be placed at the disposal of the Board. I am sure the House keenly realises the close connection that there is between the navigable waterways of the province and the economic life of the people. For years and years the rural population has been suffering untold hardships on account of the silting up of minor rivers, channels, *khals* and *bils*. You are all aware that if there is a department which can do immense good to free the country of this pest it is the Department of Irrigation. Happily, that department is now going to be divested of one of its most important functions, which will tend to benefit the rural areas and will also tend to make for the material improvement of the condition of the cultivators, and this is the work which is proposed to be done with a machinery that, thanks to the grace of God, is going to be set up. In this connection I may say that this Bill has been rendered possible by the fact that we have in His Excellency Sir John Anderson a person who has already established a claim to the gratitude of the people of this country by the keen interest which he has evinced in the economic uplift of the people, and I shall be in no way divulging a secret if I say that, but for his very hearty support it would not have been at all possible to have brought

forward this measure before the House—a measure which has behind it the incessant demand of the people from the country, a measure which has behind it the support of the country as a whole, a measure——

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. Is the Hon'ble Member entitled to bring in His Excellency's name in this debate and refer to the hearty support that he has given to the Bill?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: The reason why I have referred to His Excellency is because, when His Excellency last graced this House with His presence he referred pointedly to this measure; that is my reason for saying the very few words that I have said in reference to His Excellency.

I am perfectly certain that members of this House, Indians, who look upon this country as their motherland, and others who look upon this land as their land of adoption, I am sure all of them have the well-being of the country at heart. If that is so, I ask: is there any one among them who will not agree to the proposition that it is high time that we should do something tangible to uplift the condition of the cultivators, to do something that will bring about a betterment of the economic position of the cultivators—is there any such member? I pause for a reply: there is none, Sir.

I am perfectly certain therefore that the motion which I have moved in this House is going to be carried with the unanimous consent of the House. With these words, Sir, I commend the motion, which I have had the privilege of moving, to the acceptance of the House.

Mr. PRESIDENT: Three amendments have been tabled proposing recommittal of the Bill to the Select Committee, and I find that amendment No. 1 is not as complete as the others. In view of the other two amendments it need not be moved. Dr. Sen Gupta may now move his amendment.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that the Bill be recommitted to the Select Committee for further consideration with instructions to report by the 30th June, 1934.

I do so, Sir, with a full sense of responsibility. The problem which this Bill seeks to tackle is, more than any other problem, of very vital importance to the life of the people. By this Bill we are going to frame a scheme to deal with the rivers of Bengal which are, so to say, the very life-blood of Bengal. The problem is of vast

magnitude, and I should have been happy to see that the Select Committee and the Hon'ble Member introducing the Bill had given to the problem a tenth part of the consideration that it really deserves. Sir, the problem involves not only the question of transport which, but for the interposition of the water-hyacinth, seems to have obsessed the entire attention of the Select Committee and of the Hon'ble Member; it involves not merely the question of transport—a question which in modern days has ceased to have more than half the importance it had in days past when futile attempts were made to develop water transport in Bengal—but it involves also numerous other issues affecting other aspects of the life of the people. It affects irrigation—it affects irrigation upon which depends our agricultural wealth, upon which depends the entire economic life of the people. It is all very well to say "divide the waterways of Bengal into two compartments, leave one to Irrigation and give the other to the Waterways Board." But the waters cannot be divided into water-tight compartments in this fashion. If we take away the water for the purpose of developing waterways which will deprive parts of the country of the water which is necessary for irrigation, it will be doing a most lasting disservice to the entire country. And do we get anything in this Bill to guarantee that the Waterways Board will not work to the detriment of the irrigation problems in Bengal? Is there anything in the Bill to suggest that the problem of irrigation will have adequate consideration before any scheme is undertaken to meddle with the rivers? Then there is the premier question of sanitation which depends very much upon the fluvial action of the rivers. It has been pointed out over and over again by Dr. Bentley how much the sanitation of the province has been affected by the lands being deprived of the benefits of periodical flooding; and how parts of Bengal have been reduced to deserts—home of malaria and other maladies, simply because the waters that used to flow over those parts of the country have ceased to flow over them. Then again, it involves another question of almost equal importance, at any rate to the people of Eastern Bengal—I mean the question of erosions and floods. The erratic course of the rivers of Eastern Bengal has caused great havoc to cities and to agriculture by untimely floods. If the question of the rivers of Bengal has got to be tackled, it has got to be tackled from all these various points. You have got to consider the whole problem as one, and you have got to frame a comprehensive scheme which will make adequate provision for considerations which deserve the fullest attention of Government. But we start at the wrong end. We start by dividing the problem into two compartments and providing that the interests of navigation will not have regard for the interests of sanitation or irrigation or to the questions of erosions and floods. The same purblind policy pursued with regard to the railways has caused no end of disaster to the people. This purblind policy cannot only be followed in respect of railway

embankments but also in respect of waterways. Do we not know what mischief has been done by the Damodar embankment—a mischief which the Hon'ble Member himself has admitted and for which he has pleaded want of responsibility on his own part? Do we not know what a strain upon the resources of the country has been placed by ill-conceived measures of irrigation and canalisation? Do we not know, again, how the Calcutta canals have affected the economic and sanitary life of the people living beyond those canals? I recognise with gratitude the efforts of the Hon'ble Member to give some relief to these people by dealing with these canals now, but there is no question that the canals have affected the natural flow of the water in this district, and have raised problems of great magnitude. If this Bill becomes law, it will affect the drainage, the sanitation and economic life of the country. But we are asked simply to constitute a Board, a Waterways Board, to which is to be entrusted not the whole work of dealing with waterways of the province, but the duty of keeping open the waterways for the purposes of navigation, and the authority for this is the report of the Hopkyns Committee. I have studied the report of the Hopkyns Committee carefully, and the outstanding fact, the proposal which shows the greatest amount of wisdom in that report, is their proposal that there should be a comprehensive scheme for dealing with the waterways of the province. That has been given the go-by. The Hon'ble Member does not think of making that comprehensive scheme. Incidentally the report proposes the formation of a Waterways Board for taking charge of the waters. The Hon'ble Member puts aside the correct thing. Then again the Hon'ble Member by this Bill proposes to saddle the Board with those white elephants, the dredgers, which he cannot maintain, and which have been the subject of a great many complaints against him in this Council, complaints to which he can make no answer (THE HON'BLE SIR A. K. GHUZNAVI: "Question.") This is not the way the problem has to be solved. If the dredgers are of no use, let them be sunk now in the Bay of Bengal. Let them not be shown in another budget.

The water resources of the country are limited. All the water of the province comes either from the Ganges or the Brahmaputra or through the Assam rivers. Now all the water has got to be distributed all over the province in such a way that the waterways will be properly maintained, and the sanitation, drainage and irrigation may be assured. That is the problem of problems, and that requires in the first place, scientific investigation of the water resources and of the ways of utilising it which, in spite of the labours of the Hopkyns Committee, has not yet been done. The Hon'ble Member has referred to the report of that Committee as his authority. If you will look into that report you will find that the experts have denounced the Irrigation Department of Bengal. (Question.) They have demand it

with faint praise. I suppose that this will not be questioned. But as regards one of the problems discussed, which the Irrigation Department has neglected the report says—I have not got the report with me, but it says that the task may be great but not beyond the resources of engineers. The report says that the Irrigation Department should have solved this problem. Now with regard to the comprehensive programme for dealing with waterways the expert committee does not undertake to investigate this problem, but leaves it to be done in the future. But that investigation has not been made, and we are asked to hurry with the Waterways Board.

Well, Sir, I am not going to dilate on the various defects in the Bill which will be the subject-matter of other amendments, of which I have given notice, but I may point out that there has not been the slightest effort to make provision for a scheme of proper scientific study of the rivers, a pre-requisite of any scheme of the sort that I am thinking of. Last of all, I shall refer to the financial provisions of the Bill. Has the question of the finance of the proposed Board been really considered by the Government or by the Select Committee in any detail? I think not. We know at least, that the Select Committee has considered one aspect of the financial question, and is a matter upon which the Select Committee have not arrived at any definite conclusion. They suggested two alternatives which they reported to Government for consideration. Now the Hon'ble Member in asking us to consider this Bill, does not say that the Government has yet considered these alternatives and come to any definite decision regarding them. Nevertheless the Hon'ble Member is asking us to hurry through this Bill and not refer it back again to Select Committee, although we do not know what we are going to decide. But that is only a small part of this financial problem. The problem is a bigger one; try and visualise the problem which I have sought to place before you; it is a very vast problem and requires enormous resources. Are you placing in the hands of this Board the resources which will enable them to tackle the problem? On the contrary, the money placed in the hands of this body is extremely small. Five lakhs of rupees is the amount which the Select Committee has suggested as the Government's contribution; for the rest it is entirely problematic. No attempt at calculations has been made yet to find out what expenses might be incurred by that Navigation Board. It is very well to say, that the income can be provided from loans; but loans are based upon one's income. Do we know that the Board will have an income upon which it can be allowed to proceed to make a loan? Nothing of the sort. Well you assume there will be some money coming from taxation; you assume that something will happen, but you do not know what. No attempt has been made to make a calculation, and unless you have a definite idea with regard to the finances of the Board,

you cannot possibly imagine how schemes may be financed by loans. Loans involve a sinking fund, but have any figures been placed before us either by the Hon'ble Member or the Select Committee to show how much money the Board is going to have for a sinking fund? I do not oppose this Bill at all; I do want that there should be a proper Waterways Board for dealing with the waterways of Bengal in a manner which will keep in view all the great difficulties in dealing with our great rivers, but I certainly object to making a leap in the dark without proper calculation of the consequences. The consequences may not only be very great, but absolutely disastrous. For these reasons I think it is necessary that the whole financial question should be absolutely threshed out in Select Committee before we are asked to give assent to this Bill.

Adjournment.

The Council was then adjourned till 3 p.m. on Tuesday, 6th February, 1934, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 6th February, 1934, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 98 nominated and elected members.

Obituary Reference.

DEATH OF MR. MADHUSUDAN DAS OF ORISSA.

Mr. PRESIDENT: Gentlemen of the Council, it is my painful duty to refer to the death of a past member of this Council, Mr. Madhusudan Das, whose death has been announced at the ripe old age of 86, was a member of the Bengal Legislative Council under the old constitution in which he represented the province of Orissa. On the inauguration of the province of Bihar and Orissa, the late Mr. Das was elected by that body to the Imperial Council in 1913. He was the first Minister for Local Self-Government in the Bihar and Orissa Government. He was familiarly and affectionately known as the "grand old man of Orissa." The late Mr. Das was a Fellow of the Calcutta University. He was the founder of the Utkal Conference and proprietor of Orissa Arts Wares and Utkal Tannery and was much interested in the industrial development of Orissa. His public services were recognised when he was made a C.I.E. in 1904. It will, I am sure, be the wish of the members to convey to the bereaved family a message of sympathy in their great loss. I would ask you gentlemen to signify your assent by kindly rising in your places.

(The members rose in their places.)

Mr. PRESIDENT: Thank you, gentlemen. The Secretary will take the usual steps.

STARRED QUESTIONS

(to which oral answers were given)

Distress in Jessore.

***43. Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that famine in its acutest form has appeared in a considerable portion of the Narail and Magura subdivisions and also in some portion of the Jhenidah subdivision of Jessore?

(*b*) If the answer to (*a*) is in the affirmative, what measures have the Government undertaken so far to cope with the situation?

(*c*) What is the amount of gratuitous relief and agricultural loans that have so far been given in the affected areas of each subdivision respectively?

(*d*) What is the amount of gratuitous relief given by the Government?

(*e*) Are the Government considering the desirability of granting agricultural loans in the form of seeds during the sowing season?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) No actual famine has appeared in these places but some distress now prevails in some parts of Narail, Magura and Sadar subdivisions of the district, owing to excessive rains followed by high flood, which has caused a partial failure of *aus* and *aman* paddy crops. In the Jhenidah subdivision there was no failure of crops, but only some damage by water hyacinth.

(*b*) Government have sanctioned so far Rs. 49,500 and Rs. 2,000 as agricultural loans and gratuitous relief respectively for the affected areas. Besides this the Managers of Court of Wards have been asked not to file new certificates against tenants in distress in the affected areas and Certificate Officers have been asked not to execute warrants of attachment against really indigent persons in those areas. Tenants offering to pay up rents for one year at least have also been granted remission of interest.

(*c*) A statement is laid on the table showing the amount allotted by the Collector for each subdivision.

(*d*) Rs. 2,000.

(*e*) No such proposal has been received from the local officers.

Statement referred to in the reply to starred question No. 43 (c), showing what amounts have been allotted by the Collector for gratuitous relief and agricultural loans in the affected areas of the following subdivisions.

		Gratuitous relief.	Agricultural loans.
		Rs.	Rs.
Narail	...	750	25,500
Magura	...	300	14,000
Sadar	...	288	6,000
Total	...	1,338	45,500

Babu AMULYADHAN RAY: Is the Hon'ble Member aware that in the Narail subdivision there is very acute distress in more than a hundred villages?

The Hon'ble Sir PROVASH CHUNDER MITTER: From the reports we have received we do not know that the distress in the district of Jessore is very great; but all the same I admit that there is a certain amount of distress. However, all possible steps are being taken. If the hon'ble member is not satisfied, he can approach the Collector and the Commissioner for further information and relief to the tenants.

Babu AMULYADHAN RAY: Is the Hon'ble Member aware that at least a member of this Council suggested to the Secretary of the Revenue Department that seed loans should be given to the agriculturists of the district of Jessore?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, I have some information that a member of this Council did see the Secretary and the latter dealt with the matter suitably.

(Here Mr. Ray started putting a supplementary question.)

Mr. PRESIDENT: Order, order. You should not put any questions till I call out your name.

Babu AMULYADHAN RAY: I beg your pardon, Sir. Is the Hon'ble Member aware that the distress is so much that people in the Magura subdivision are practically starving?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not aware of that. If the hon'ble member would approach the Collector, I am sure he will make the necessary inquiries.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware whether it is allowable under the loan system to give seed loans?

The Hon'ble Sir PROVASH CHUNDER MITTER: I should think so.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member kindly see that during the sowing season seed loans are granted to these agriculturists?

The Hon'ble Sir PROVASH CHUNDER MITTER: That is a matter which is within the discretion of the District Officer.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that the loans are generally not sufficient?

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I submit that the reports of local officers indicate that the loans are sufficient.

Mr. NARENDRA KUMAR BASU: With reference to answer (*e*), will the Hon'ble Member be pleased to state whether it is the rule with Government that no proposals for granting agricultural loans in the form of seeds are entertained unless such proposals are made by the local officers?

The Hon'ble Sir PROVASH CHUNDER MITTER: No. The hon'ble member will, perhaps, realize that the local officers are responsible for the grant of loans to agriculturists in the best possible way, and that the distribution of seeds cannot be managed properly if it is directed from the Secretariat. I think we have received reports from the local officers about the situation and am glad to say that we have not heard of any complaint about any unsatisfactory attitude of the local officers.

Mr. NARENDRA KUMAR BASU: Apart from local officers, have any proposals for granting agricultural loans in the form of seeds ever reached Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: One member of this House verbally mentioned this to the Revenue Secretary. Under the rules we have no objection whatsoever, but any such proposal must either be acceptable to the local officers or good reasons must be furnished to show that the local officers are wrong.

Professors of Tropical School of Medicine.

*44. **Mr. E. T. McCLUSKIE:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Professors in the Tropical School of Medicine are—

(*i*) honorary workers, or

(*ii*) on a salary?

(*b*) Are these Professors allowed to charge fees for examinations made on private patients, or for giving reports?

(*c*) If the answer to (*b*) is in the affirmative, are these fees credited to Government or not?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*)(*i*) No.

(*ii*) Yes.

(*b*) They are allowed consultant laboratory practice only: they may charge fees for examination of specimens and for giving reports on the results of such examinations.

(*c*) Five per cent. of the fees are credited to Government to cover the cost of materials.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state whether these doctors receive fees when they are called to attend to cases outside the laboratory?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They are not allowed private practice; they can only do laboratory practice.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is the Hon'ble Minister quite sure that this sort of charging fees does not interfere with their public duties?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They do these things outside their office hours, that is, in leisure hours.

Estate of Bashatti pargana in Rangpur.

*45. **Kazi EMDADUL HOQUE:** (*a*) With reference to answer (*e*) to the starred question 88 of the 24th August last, will the Hon'ble Member in charge of the Revenue Department be pleased to state whether any amount was ever realised by attachment of the movables and immovables of the *zemindars* of the Bashatti *pargana*?

(*b*) Is the Hon'ble Member aware—

(*i*) that the defaulting *zemindars* own big corrugated iron houses as well as motor cars and other articles of luxury; and

(*ii*) that the things mentioned are at least worth ten thousand rupees?

(*c*) With reference to answer (*f*) of the said question, is the Hon'ble Member aware that the action under section 99 of the Cess Act has worked with great hardship, particularly on the cultivating tenants?

(*d*) If the answer to (*c*) is in the affirmative, are the Government considering the desirability of issuing instructions to the Collector to discontinue the practice?

(*e*) With reference to answer (*i*) of the said question, will the Hon'ble Member be pleased to state whether the petition has been considered by this time by the Board of Revenue? If not, why not?

(*f*) If the petition has been considered, what is the decision of the Board on the same?

(*g*) Are the Government considering the desirability of putting to sale the *zemindari* of the defaulting *zemindars* for the speedy realisation of its dues?

(*h*) Is the Hon'ble Member aware that the economic condition of the Kurigram subdivision has not improved?

(*i*) Are the Government considering the desirability of giving time to the tenants till better time comes?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) (*i*) They have corrugated iron houses. They had also one old motor car, but this has long been out of order and therefore out of use.

(*ii*) No.

(*c*) No.

(*d*) Does not arise.

(*e*) Yes.

(*f*) The Board did not consider it necessary to interfere as the Collector had already given the tenants time to pay their arrear rents and cesses until they had a chance to sell the jute crop.

(*g*) No.

(*h*) It is understood that there is a slight improvement.

(*i*) In view of answers to (*f*) and (*h*) above, this question does not arise.

Kazi EMDADUL HOQUE: With reference to question (*b*)(*ii*), will the Hon'ble Member be pleased to state the worth of the properties mentioned?

The Hon'ble Sir PROVASH CHUNDER MITTER: We have no information.

Kazi EMDADUL HOQUE: What is the basis for the answer furnished in (*c*)?

The Hon'ble Sir PROVASH CHUNDER MITTER: The basis is that if a particular tenant has to pay, say, four years' rent and cesses and if he does not pay his dues even for one or two years in spite of the economic depression, I do not think that such action on the part of the tenants is just. The result would be that people who have to pay cesses direct to Government after collecting from these very tenants will be placed in an unfair position. Section 99 of the Cess Act is, in the opinion of Government, a very salutary provision. It is a fair section particularly if it is worked fairly and properly.

Kazi EMDADUL HOQUE: What is the percentage of the defaulting tenants?

The Hon'ble Sir PROVASH CHUNDER MITTER: I should like to have notice of this question. My impression is that the tenants in that locality failed to pay what they should have paid for their arrears of rent and cesses.

Kazi EMDADUL HOQUE: Is it due to the pecuniary circumstances that the tenants are unable to pay their rents?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is true that all classes including tenants are suffering from economic depression, but there is no special reason for non-payment to the extent prevalent in that locality.

Kazi EMDADUL HOQUE: What is the reason why Government refuse to attach the properties of the defaulting *zemindars*?

The Hon'ble Sir PROVASH CHUNDER MITTER: I might say for the information of the member that the property of the defaulting *zemindars* is frequently attached, but I must add that if Rs. 20 is paid by the tenants out of a total demand of, say, Rs. 100, then non-attachment and recourse to section 99 is an act of justice.

Kazi EMDADUL HOQUE: What is the amount of revenue realised from the defaulting *zemindars*?

The Hon'ble Sir PROVASH CHUNDER MITTER: I submit, Sir, that that question does not arise.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether it is not a fact that only under section 99 of the Cess Act properties can be attached?

The Hon'ble Sir PROVASH CHUNDER MITTER: No, Sir; it is neither the correct interpretation of the section, nor is it a correct statement of fact.

Realisation of agricultural loans from the Gaibandha and Kurigram subdivisions in Rangpur.

*46. **Kazi EMDADUL HOQUE:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that jute is the only money-fetching crop of the Rangpur district; and

(*ii*) that the condition of the people of Rangpur has become worsened because of the low price of jute?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of postponing the realisation of the agricultural loans from the Gaibandha and Kurigram subdivisions? If not, why not?

(*c*) Are the Government considering the desirability of postponing the realisation of the cost of settlement in Kurigram and Gaibandha for three years hence?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) Jute is not the only money-fetching crop. Tobacco, sugar-cane and *rabi* crops also bring in some money.

(*ii*) Yes, to some extent.

(*b*) No. Realisation of agricultural loans in the Gaibandha and the Kurigram subdivisions is being made with due regard to the pecuniary circumstances of the cultivators and no undue pressure is being put on them. The Collector has authority, under the rules, to grant suspensions of payment of instalments, when necessary, by general or special order.

(*c*) No. Recovery has begun only last month and only the western part of Kurigram is included in this year's programme. No portion of Gaibandha is included in this year's programme. Recovery in the

eastern portion of Kurigram and in Gaibandha is not likely to start before December, 1936. Individual cases of hardship will be dealt with by the local officers.

Kazi EMDADUL HOQUE: Is the Hon'ble Member in a position to deny that the pecuniary circumstances of the people of Kurigram subdivision have been very much affected?

The Hon'ble Sir PROVASH CHUNDER MITTER: The pecuniary circumstances of all classes of people throughout the province have been adversely affected, and I am not prepared to compare one portion of it with another.

Trenching ground in Sonadanga in Khulna.

*47. **Maulvi ABUL QUASEM:** (*a*) Has the attention of the Hon'ble Minister in charge of the Local Self-Government Department been drawn to the widespread feeling of alarm and anxiety prevailing among the inhabitants of Sonadanga and the neighbouring villages such as Shibbari, Gobarchaka, Charabati, Sheikhpara and Nurnagar on account of the intention of the Khulna Municipality to make a trenching ground in Sonadanga for the purpose of depositing the filth and refuse of the Khulna town?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the inhabitants of the villages concerned have been persistently protesting against the aforesaid intention of the municipality and have memorialised His Excellency the Governor for redress; and

(*ii*) that Dr. Sufi of the Public Health Department inspected the locality in 1931 and definitely reported against the project?

(*c*) Why has not the project been given up as reported by Dr. Sufi?

(*d*) Is the Hon'ble Minister aware that the proposed trenching ground will prove an intolerable menace and a source of serious danger to the health and sanitation of Sonadanga and the neighbouring villages and will also adversely affect the cultivation of those villages?

(*e*) Are the Government considering the desirability of taking immediate and effective steps to prevent the making of the proposed trenching ground?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Government are aware that there has been opposition to the proposal.

(b) (i) Two protests are known to have been submitted to the Director of Public Health, Bengal; and a memorial was sent in December last to His Excellency the Governor.

(ii) Dr. Sufi and Dr. B. Mukherji held a joint inspection in 1931. They did not condemn the project as insanitary: they suggested that as the site is 410 feet from an *edgah* its use as a trenching ground might offend the local Muhammadans.

(c) The Director of Public Health is in correspondence with the Chairman of the municipality about the Assistant Director of Public Health's report.

(d) and (e) No.

Maulvi ABUL QUASEM: With reference to answer (b)(ii), will the Hon'ble Minister be pleased to state the gist of the report of the Assistant Director of Public Health?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is practically given in answer (b)(ii).

Maulvi ABUL QUASEM: With reference to answer (b)(ii), will the Hon'ble Minister be pleased to direct the municipality to shift the trenching-ground to a place which will not offend the sentiments of the Mussalmans of the locality?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are in correspondence with the Chairman of the municipality, and it is not possible to anticipate decision before they hear anything from him.

Process-servers of Mymensingh criminal courts.

*48. **Mr. P. BANERJI:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing separately for the years 1931, 1932 and 1933—

(i) the number of process-servers of the criminal courts in the district of Mymensingh who have been discharged as a matter of retrenchment;

(ii) the number amongst them who were served with notices of discharge just on the dates of their actual discharge or on a later date;

(iii) the number amongst them who have been granted pension, gratuity or any other compensatory allowances;

(*iv*) the number amongst them who served the department for more than 15 years but were not given anything in consideration of their past services;

(*v*) the reasons for discharge of those particular process-servers who had not completed the maximum period of their service at the time of their discharge;

(*vi*) the number of petitions received from them by the Government alleging wrongful discharge; and

(*vii*) the actions taken by the Government on the petitions mentioned in clause (*vi*)?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) No process server was discharged as a measure of retrenchment.

In December, 1932, 15 men were discharged on account of inefficiency.

(*ii*), (*iii*) and (*iv*) Do not arise.

(*v*) *Vide* reply to question (*i*).

(*vi*) No petition was received by Government.

(*vii*) Does not arise.

SLATIVE BUSINESS

'ERNMENT BILL.

The Bengal Waterways Bill, 1934.

Mr. W. H. THOMPSON: Mr. President, Sir, I beg to move that the Bill be recommitted to the Select Committee, with instruction to submit their report as soon as possible after considering the result of the examination by the Local Government of the two financial proposals referred to in the Select Committee's report regarding clause 66.

Sir, a motion for recommittal is normally moved either with the intention of wrecking a Bill or as a dilatory move. My motion is neither of these. My motion merely means what it says. The Select Committee criticised the financial provisions for the Waterways Trust, which they definitely considered to be unsatisfactory. In order that their criticisms might not be wholly destructive, they put forward two proposals which they asked should be considered.

My motion is now put forward merely to make sure that Government has really considered the criticism that the financial provisions of the Bill are very defective. The Hon'ble Member yesterday, in moving for the consideration of the Bill, passed over the criticisms which the

Select Committee made of the unsatisfactory nature of the financial provisions; he mentioned only that Government are considering the two proposals which had been made. He gave the impression that the Select Committee considered that these were proposals which might be taken into consideration at any time, and he said that the Select Committee intended and wished that in the meantime the Bill should be passed as it stands. Now, Sir, I hold that in saying that he is definitely misrepresenting the intentions of the Select Committee, and to make my point clear, may I refer to the actual words which the Select Committee have used in their report? On page 4 of their report, under clause 66, they wrote:—

"The Committee, contrasting the financial position in which the Calcutta Improvement Trust found itself on its formation, with the expected position of the Waterways Board, is impressed with the inadequacy of the finance which would be provided for the latter Board by the Bill as drafted and has two propositions which it would put forward."

Then, Sir, at the bottom of the same page, they go on to say "that when taking the report into consideration, the House should have placed before it as full an appreciation as possible of these two propositions and the possibility of giving effect to them, either by the amendment of the Bill or by the introduction of an amending Bill in the near future." The Hon'ble Member put in a minute of dissent in which he passed over this section of the Committee's report with these words: "Though we do not accept either of these proposals, they are being examined by Government."

Then, Sir, he gave notice and proposed that the Bill should be taken into consideration and amendments were required to be put in before the 26th of February. He put in his own amendment in which he proposed that the increased Government grant, which the Select Committee proposed, should go back to Rs. 2,31,000, and yesterday he merely repeated that the Government had these two proposals under consideration. Now, Sir, is that what the Select Committee asked for?

He also referred yesterday to His Excellency the Governor. He said that His Excellency the Governor had refused to discuss this Bill with anybody, while the Select Committee was in seizin of the Bill, and by contrast, the Hon'ble Member himself has no compunction whatever in ignoring the express wish of the Select Committee.

Sir, since the Reforms were inaugurated—and I believe even before—neither in this Council nor in any other Legislature, we have had such an affront put on this House. I am confident that I am right in saying that no Governor, no Lieutenant Governor, no Member of Council, no Hon'ble Minister, had the temerity to put such an affront to the Select Committee! It has been left for the Hon'ble Alhadj

Nawab Bahadur Sir Abdelkerim Ghuznavi, Knight of Dilduar, to be the first person to snap his fingers at the Legislature, and to be the last for under the future constitution no responsible Minister will dare to do such a thing.

Now, Sir, there is only one possible excuse for such a thing, and that is, that the criticisms of the Select Committee on the financial proposals of this Bill were childish and absurd.

Sir, to contradict that view of the Hon'ble Member, may I go very briefly into the details of the financial proposals? This Bill has been modelled on the Calcutta Improvement Trust Act, and it follows very closely that Act, except in the matter of finance. The Calcutta Improvement Trust started without any recurring expenditure to which it was already committed, and the Improvement Trust Act gave the Trust a revenue subscribed from outside sources which in the first year amounted to Rs. 22½ lakhs. It has gone on increasing annually, so that it actually reached the figure of Rs. 55½ lakhs; even during the slump it has been reduced only to Rs. 46 lakhs. In addition to this, Sir, Government have been giving a grant of rupees one lakh and a half annually. Over and above this, the Trust had a contribution of Rs. 50 lakhs from Government to give it a start—Rs. 20 lakhs in the first year, and Rs. 10 lakhs for the three succeeding years.

The Waterways Trust will start with a very considerable expenditure —the regular expenditure required for the maintenance of waterways. Even after taxing all inland vessels at the rate of one anna per rupee on all passenger traffic, allowing for recurring expenditure, the Waterways Trust will have for the purpose of improvements only about Rs. 6 lakhs a year. That figure, Sir, the Hon'ble Member gave to the Select Committee. My own impression is that that figure is too high for this reason the Hon'ble Member estimates a sum of Rs. 2,31,000, for current expenditure which the Hopkyns Committee estimated to be Rs. 5,00,000. Now, assuming that the figure is Rs. 6,00,000, then in the first four years of the existence of the Waterways Trust it will have to spend on the object for which it is formed Rs. 24,00,000. In the first 4 years of the Calcutta Improvement Trust's life it had a crore and twenty lakhs and it is the discrepancy between the two figures that I would put before the House. One is five times the other. Does the House agree that the improvement of the waterways of the province is only one-fifth as important in comparison with the improvement of the city of Calcutta? The Select Committee suggested, as I have said, two possible new sources of revenue. I do not want to go into them in great extent, but they are worth considering. Every year 20 lakhs of bales of jute come down from Goalundo to Calcutta by rail. Now that 20 lakhs of bales of jute is not grown in the railway station compound at Goalundo; it comes to Goalundo over the waterways and the railway gets the freight. Is it unfair to suggest that there should be a terminal

tax on freight and passengers from Goalundo to Calcutta? In the examination of the representatives of the Chamber of Commerce by the Select Committee it came out that where the railways and the steamers are in competition, the rates are very finely adjusted. If a tax is put on the steamers one of two things will happen; either the freights will leave the steamers and go by the railway; the steamers will lose their freights and the waterways will consequently lose their percentages; or the railways will put up their freights in which case the Railway Board will get the profit and the Government of India will be taking from Bengal and from the people of Bengal as the result of this waterways legislation money which might have come to our own pockets.

Regarding the other suggestion—the matter of the Improvement Trust—I need say very little. The position is this: that the Improvement Trust has now been working for 21 years in Calcutta and has already altered the face of the city. It has a debt of only something like 2½ crores and against that debt in sinking fund and in lands for sale it has more than enough to wipe that out. The Improvement Trust in 21 years has gone a very long way to wipe out the results of the neglects of the past 100 years and put Calcutta right for 100 years to come, and it has all come out of the pockets of one generation.

No, Sir, the main point is the inadequacy of the finance which will be handed over to the Waterways Trust by this Bill. Times are bad, but they may not always be bad, and for Bengal they may be very different when Bengal gets its fair share of the jute tax. Why is the Hon'ble Member in such a hurry to force his Bill through? If he can force his Bill through, will he give us an assurance—and I would like you to note this very carefully so that there may not be any mistake about it—if he succeeds in getting this Bill through will he give us an assurance that the Bill will not come into effect until times are better? The scheme will want money if it is to be brought into effect, and I want an assurance from the Hon'ble Member that he will delay the bringing into effect of the Bill until Government's contribution can be very substantially increased and until he himself or the Government themselves have ascertained that the waterborne traffic can bear the additional burden.

Rai Bahadur SATYENDRA KUMAR DAS: Mr. President, Sir, may I have your permission to say a few words in support of the motion of Dr. Naresh Chandra Sen Gupta? Having your permission, in support of that motion, I submit that I will confine my speech to two points only. The first is about the finance of the Waterways Board, as pointed out by the previous speakers.

Finance.—To give a practical effect to this scheme it appears that a sum of 25 lakhs or thereabout is estimated to be the probable expenditure. In order to come to this total amount, the sum of 5 lakhs is

expected to be contributed by the Government and for the balance more than 8 lakhs from the income from navigation works and about 12 lakhs from tax on inland steam vessels. Thus, Sir, if one rupee be the total expenditure, only 3 annas will come from the Government of Bengal and the rest, 13 annas, from the people; that is, the Government will only contribute one-fifth and the people will contribute four-fifths of this total expenditure of 25 lakhs; but Sir, I understand that there is a further attempt to reduce Government contribution to less than one-tenth, that is, to Rs. 2,31,000. Thus out of 25 lakhs required, we will have to extort more than 22½ lakhs from the people by way of further taxation. Sir, without going into the merits or otherwise of the incidence of this new taxation, I can say this much that a further taxation at the present state of the country may not be a wise policy for the Government to undertake. Not that I cannot appreciate the probable advantages expected from the fulfilment of this scheme, but that I have my doubts, whether the risk of further taxation would be compensated by the expected advantages of this scheme. We know that the Government would not risk a further taxation of this kind for free and compulsory primary education in any particular area of Bengal. The probable good and advantages of free and compulsory education is certainly greater than those of the advantages expected from better navigation. Therefore, Sir, financially speaking, it is rather a bad scheme.

Shelving of the real problem.—Sir, I am one of those members who on past occasions had the misfortune to criticise the Irrigation Department adversely and strongly. In reply to our criticisms the Hon'ble Member in charge always consoled us by holding promises of alluring schemes with respect to irrigation and drainage, etc. So, naturally, we expected much from this Bill. But Sir, I make no hesitation to confess that I have been thoroughly disappointed. This Bill, to speak the truth, has given a direct lie to the much vaunted assurances of the Hon'ble Member in charge. It has kicked out drainage and irrigation from the scope of it. If I am to choose between the drainage and irrigation on one hand and navigation on the other, certainly I will choose the former. In his defence the Hon'ble Member in charge can say that he had not neglected the drainage problem and that there is already a separate Act for it; to that my reply would be that one who walks knows it. We all know it, but Sir, may I ask that in spite of the repeated assurances of the Hon'ble Member in charge, what has actually been done by that department? Up till now I see that nothing has been done by that department, and I am afraid that things remaining the same, nothing will be done in future. The present Waterways Bill neither adds to, nor subtracts from, the drainage problem. The problem is already there where it was. We wanted to move the drainage problem and to translate it into action. The present Bill, Sir, does not help us in any way to achieve that end; therefore, one

can make bold to say that the present Bill has shelved the real problem. The drainage affects the health of the province, navigation helps the commerce. To resuscitate the dead and dying rivers and *khals* even where there is not much navigation is the primary necessity, that is, the problem of the drainage. To overlook that is to overlook the problem of primary importance.

Under these circumstances, I cannot but oppose the Bill in its present form.

Babu KISHORI MOHAN CHAUDHURI: Mr. President, Sir, I also support the proposal that the Bill should be recommitted for further consideration. It is surely no use our rushing with the Bill if the financial aspect of the question is not thoroughly considered. It is also unreasonable that the waterways should be separated from the part of the Irrigation Department—I mean drainage. I fully agree with the views expressed by Dr. Sen Gupta and Mr. Thompson that we should not proceed with the Bill without considering what good we may expect if this is enacted at once and what difficulties we are likely to meet if, without considering the financial aspect of the question, we enact the law. There is one aspect of that question, I think, which the House should consider that is, whether duplication of offices should be made. There is the Irrigation Department and there are the officers;- why should another body be necessary Is it a fact that the Irrigation Department officers are overworked and they cannot cope with the difficulties of the situation without further help? If any help is necessary, some additional officers may be appointed and that department may be quite competent with some addition if necessary to manage the thing. Why do you want another body with an officer on Rs. 2,500 a month and other officers and other things. I understand that the Royal Commission on Agriculture recommended that waterways should be separated from the Irrigation Department, here we are considering the question of waterways only and the most important question of irrigation which would benefit the agriculture of the country is left out. I also cannot understand why a separate committee is necessary: why should not the district board be competent to manage the affair. The district board has got its own officers—the District Engineer and other officers—and much help can be rendered by them in ascertaining the needs of the district and the irrigation officers; wherever there is any need, may work in co-ordination with the District Engineer and can manage the thing very well. It is a misfortune that whenever anything is to be done, we generally jump to the conclusion that additional officers will be necessary. As in the case of primary education, the district boards could so long manage it, but as soon as effect is being given to compulsory primary education, it is thought necessary to have another department for it. It is unnecessary expenditure and unnecessary arrangement which are the

misfortune of this province. To my mind neither a separate department is necessary, nor is there any necessity for constituting a separate Board. The Irrigation Department is there and ought to manage the work. If they are not competent to do the work, reduction should be made and some of the incompetent officers should be replaced by competent ones, or, if necessary, additional hands might be employed to cope with the additional work. The five lakhs from Government is mere nothing, and nothing can be done with that paltry amount That aspect of the question ought to be specially considered and after that a Bill in a new form may be introduced, or the Select Committee may make necessary additions and alterations in the Bill. With these words I support the motion for recommitment.

Mr. S. M. BOSE: Sir, may I say some words on motion No. 4? I am surprised at the very strong speech made by Mr. Thompson, and I am sorry that attacks had been made on the Hon'ble Member, which I think are without foundation. This Bill is an attempt to deal with a very important matter—how to revive the dead and dying rivers of Bengal. That question has very often been discussed here, and therefore an attempt to deal with such an important problem should be welcomed by us. But the mover of motion No. 4 wants to impede and delay the Bill, though he denies it. May I draw his attention to the report of the Select Committee? Mr. Thompson and other members of the Committee unanimously said that the Select Committee would not unavoidably delay the passage of the Bill, but he is doing that now. I do not know why. Regarding the first proposal about railway terminal tax, may I call attention to what I briefly referred to in my note? So far as I can make out, the rates charged by the Steamer Companies are by arrangement with the Railways. These rates are in no sense competitive, and I absolutely deny they are so. The representatives of the Steamer Companies admitted that in many important stations, the rates are arranged with the Railways. I repeat it is wrong and unfounded to say that they are competitive. Nothing of the kind. It is well known that the cost of waterborne traffic is very much less than cost of transport by Railway, and for obvious reasons. But here we find that the rates are by arrangement kept up and there is not that healthy rivalry which ought to exist between the Railway and the Steamer Companies. They combine to raise the rates and this pact between the two companies is bad for the public interest. Public interest demands cheap rates, but these two so-called rivals have joined hands to put up the rates. I say the steamer rates ought to be reduced: waterborne traffic ought to be cheaper. If the steamer rates are reduced, it will bring greater revenue, and more people will flock to them and will not send goods by Railway any more. It will be noted that under clause 66 of the Bill the Board is to fix the rate of tax with the sanction of the Local

Government, and I take it that the Local Government in sanctioning the rates will have regard to all the facts. So I see no reason why this Bill should at all be delayed, hampered or impeded. We all want this move to improve the navigation of Bengal to eradicate water-hyacinth. I, therefore, oppose this amendment.

Mr. NARENDRA KUMAR BASU: Sir, I have listened with a great deal of care and attention to the speeches made by Dr. Naresh Chandra Sen Gupta and Mr. Thompson in support of their motions for recommittal of the Bill. I may say at once that so far as the provisions of the Bill are concerned, especially the financial provisions, they leave a great deal to be desired, and if I may say so for once I agree with all that Mr. Thompson says regarding the financial aspects of the Bill, but at the same time I find no reason for its recommittal. It may be, as Mr. Thompson pointed out, that this Bill will do no good if it passes its third reading with the recommendations and amendments of the Hon'ble Member in charge, but what good will the recommittal of the Bill do is something which I cannot understand. The Select Committee have already made their views clear. The passage from page 4 of the report of the Select Committee read out by Mr. Thompson is distinct and clear. The Select Committee does want that Government should make adequate financial provision for the Waterways Trust. If that view is also shared by the House, what is there to prevent the House from throwing out the Bill if they so choose at the third reading, but as I said what good the recommittal of the Bill to the Select Committee will do I cannot make out. What the Select Committee wanted was that at the time the Bill was taken into consideration by the House, the Hon'ble Member should be in a position to make a reassuring statement about the financial aspect of the Bill and the finances of the Trust. Whether the Hon'ble Member has been able to do that or not or whether he will be in a position to do that when the third reading of the Bill comes on or not is a matter for the House to decide. If the House thinks that the assurances given by the Hon'ble Member are not sufficient to allay distrust and suspicion, it will be open to the House to reject the Bill, but at the present moment it does not appear to me that any good will come out from the recommittal of the Bill, except probably that the Bill may be taken up in summer at Darjeeling and we the members of the Select Committee will have the chance of going there.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I very carefully considered the amendments and I fully agree with the movers. Probably there is no one in this House who is at all feeling comfortable at the many provisions of the Bill. I am myself feeling uncomfortable,

because I feel that a very dangerous provision has been made in this Bill, namely, the condition that it is purely for navigation only. I am also feeling uncomfortable at the fact that it is possible that in the interest of navigation, drainage and other matters may be very greatly jeopardised in the long run. Our past experience shows that whenever any measure was undertaken with a view to improve the waterways, it was directed towards the improvement of navigation only and thereby completely choking the drainage system of the surrounding areas. Yet with all these difficulties before me, I feel that it would not be right for me to support the recommittal of this Bill to the Select Committee. I have been a member of this House for about 7 or 8 years, and if I have studied Government and Governmental methods correctly, I believe Mr. Thompson will agree with me in that it is always better to get a small thing rather than kill it outright. It is really from that point of view that I feel that the machinery be created which might be of very great benefit to the province in future, provided it works well. If this Bill, when passed into law, is administered in a manner in which sufficient attention is paid to the drainage system of this province as is contemplated by the Hopkyns Committee and if the attention of Government is not merely confined to navigation and navigation alone, then I think that in spite of this it is possible to work out this Bill in a manner satisfactory to all parties concerned. You know very well that I am at least one of those who feel that Bengal has been greatly wronged in the interest of Calcutta and the money which the Calcutta Improvement Trust is getting is being taken from those who are the tillers of the soil. I am, therefore, at one with Mr. Thompson that as early as possible steps should be taken to take away some portion of the money from the Calcutta Improvement Trust with a view to give it in an indirect way to the people of Bengal, and I would certainly welcome a legislation by which it may be possible for a part of the money to be devoted to the improvement of navigation and waterways. Yet, Sir, I feel that it is not right to kill this Bill at this stage because after all what we are getting in this Bill, even in its worst features, it is this: So long as the control is confined behind the archives of the Secretariat, you are the first to get the advantage of publicity and your representative opinion will be brought into the Committee which will be constituted, which will after all decide as to how the work is to be done. There are representatives of this Council, representatives of commercial interests and representatives of public bodies on this Board; that being so, I do not at this stage visualise that in spite of its defects the Bill is such as should be opposed outright. While, therefore, I am fully in sympathy with all that Mr. Thompson has said, yet I join issue with Mr. Bose that Government should immediately make up its mind to find out better financial help for the Committee which will be constituted. I reserve my opinion till the latter stages of the Bill after seeing how this

Bill shapes, but for the present I feel that it is not right for me to support the proposal for the recommittal of the Bill and kill it outright.

Maulvi SYED MAJID BAKSH: I must at the outset confess that I regard the two amendments for recommittal with distrust. As regards amendment No. 4, I agree with those who have characterised it, in mild terms, as dilatory, but I will characterise that motion in my own way as a flank attack on the Bill. This attack has been launched with a dissimulation of which even the Prince of Florence would be proud, and I do not see how recommittal to the Select Committee will improve matters and why you should not pass the Bill and create a Waterways Trust, upon which will be laid responsibilities of a very onerous nature, leaving it to its own resources to find out ways and means as to how to proceed and what avenues to discover in order to be useful to the people of Bengal as regards the waterways.

As regards the financial aspect, I should say outright that it is unfair to expect in this strained financial condition of our country a Waterways Board born with a pocket bulging with money. We must expect that the resources which Government may give to this Committee may give a starting point to the Trust and with the additional revenue which will come to it by the power of taxation which is vested in it, it will be able to find its way through the difficult condition to which our waterways have fallen. As regards amendment No. 3 of Dr. Naresh Chandra Sen Gupta, I think it is a learned and erudite discourse, but of little practical value. His thesis is: "start with the scientific investigation of the waterways: come to some conclusion on the latest theories of science: employ an army of scientists to arrive at those conclusions, and then after you have spent perhaps most of this money in these futile projects, start a Waterways Board." I think not much science will be necessary in these irrigation problems. As regards the irrigation problem of Bengal—or I should say the waterways problem of Bengal—I start and finish by saying that Bengal has no irrigation problem at all. Irrigation is a misnomer to apply to the department which now exists in the Government of Bengal. Sir, irrigation is necessary where the drought is so great and rainfall is so small that crops cannot grow without the help of additional water taken away from water-channels. On the contrary, in Bengal, there is so much rainfall that we sometimes think of getting rid of it, not to speak of irrigation. In some districts of West Bengal irrigation is necessary. I have had the good fortune of knowing of an irrigation scheme which has cost more than one crore of rupees, namely, the Anderson Weir. There I found water being led through fields which were already full of water, and I think nobody in his senses, intending to grow paddy in the

rainy season, will take water from that channel at some cost and make a payment which may go some way to give an ample return for this one crore and seventeen thousand. However, that is another matter. Dr. Sen Gupta will find that this problem of waterways is not entirely peculiar to Bengal. There are other countries, of which I have already told you in this House in connection with the irrigation budget, namely, Germany and America, which have to deal with this problem. Prussia—especially East Prussia—is as flat and marshy a land as Bengal. So are the States of Missouri and Mississippi in America. They meet their waterways problem in a very different way. They combine the drainage of the marshes which is the handmaiden of sanitation with the improvement of their waterways. I do not see how the drainage system can be separated from irrigation, navigation or canalisation. If you want to improve your waterways, you will need water, you will have to take water, and if by the side of a waterway you find a marsh very handy, I do not know what engineer there is that will not tap these marshes and drain them in the channels, thereby improving the water-channels and the marshes as well. Sir, Bengal was not suffering from bad waterways in the past. The only difficulty that has been created in its waterways is the silting up of the Mathabhanga river more largely than any other scheme. It has turned the three districts of Murshidabad, Nadia and Jessore into malarious tracts on account of the bad flow of water and non-supply of waters to the waterways which are consequently dying. I am of course now talking only from a sanitary point of view, and of the dying rivers. These rivers existed from before, but nobody ever knew that the mouth of the Mathabhanga had silted up and that the rivers that take their rise from it were dying, and it is the bad irrigation which is practised in other countries, namely, the United Provinces, that is responsible for this. But then this is my own theory. The flow of water that passed into the Ganges in rushing torrents in sufficient force forced its way through the Mathabanga and the channels that rise from it; but money considerations prevailed in the United Provinces and water was taken out by means of channels irrigating the less fertile tracts of the United Provinces. The Jumna was deprived of its water by reason of these irrigation channels, not to speak of the Ganges alone, rendering the force of the current of the water through the Ganges so low that silt began to deposit at the mouth of the Mathabanga.

Sir, I think irrigation should be a central subject or the three provinces of Bengal, Behar and the United Provinces should be united under one irrigation system. I think, Sir, that the methods adopted in the European countries mentioned by me before should be followed here. Germany slopes towards the north and all its rivers, Elba, Weser, Oder and Vistula, all flow into the North Sea, except, perhaps, in the case of the Danube where on account of the presence of mountains the Thuringia and the eastern part of Bavaria you will find

that that river takes quite a different course to that of the other rivers in Germany. But what happens when the rivers flow through a plain? There are times when in the mountains the snow melts and there is a large flow of water, and in our province also there are times when after a rainfall there is a copious flow of water and the result is that silt is borne by that water current and the rivers in Bengal overflow, and the water being locked on both banks deposits silt and raises the banks of the rivers. Then the problem before the Waterways Board, or for the matter of that before the Irrigation Department, when the river bank is sufficiently raised is to cut those banks and let the water out through its channels, or train the rivers, as it is called. In Bengal there is no arrangement for training these rivers and therefore it is that this difficulty is created in the matter of tackling the irrigation problem. There is another calamity which has fallen to Bengal and that calamity is with special reference to the Brahmaputra where on account of the earthquake of which we have seen very much in these days the bed has been considerably raised. As regards the course of the Ganges—as a result of the recent earthquake—we do not know what will happen in future. In the case of the Brahmaputra the main water course now flows through a channel known as the Jumna which is also Brahmaputra. Those who have looked at the map prepared by the Hopkyns Committee will know that by specially marked lines the flow of these waterways is indicated there. It has been distinctly shown there that the principal volume of water of the Brahmaputra falls into the Jumna and not Brahmaputra proper, and that is why there is such a great dearth of water in the districts near about Mymensingh, and it is for this perhaps that my friend the doctor is so fond of the scientific study of rivers. But this cannot be helped. We know of the recent earthquake at Monghyr, but we do not know yet whether the bed of the Ganges has risen there. If that is the case heaven only knows what will happen to Bengal. We may ponder over these things after the establishment of the Waterways Board. We must make a start to begin with. We cannot do anything without making a start somewhere and to some extent; we cannot learn to swim unless we go into the water. Therefore, I think the sooner we accept this measure, the better it will be for the waterways of Bengal. I need not discuss this matter very much more, nor do I wish to detain the House much longer, but I think that the time for scientific study is before us; that can be done in the future. The time for considering financial proposals will be looked after when the actual problem faces us, and until then the discussion of these problems is of a very academic interest. I have been told that more than a crore of rupees was given to the Improvement Trust to begin with, and the Trust had other interests. It must be naturally so because the Trust had to purchase lands at very high prices; that start should have been given to them to enable them to function. But we have not to purchase waterways from anybody; they are dead channels

which we have to improve. I do not for a moment say that the money that is being given to the Waterways Board is enough. It is absolutely inadequate, it is enough to experiment with, and after successive years they can demand more money from Government and if a Board constituted under the Act functioning regularly demand money from the Government, I do not think Government will oppose or refuse a grant.

As regards the railways and trades and passenger traffic, I have given an amendment by which I have provided, with the sanction of the Government of India (Here the member reached his time-limit, but was allowed to continue for a few minutes longer.) that the Board will be permitted to tax railways in order to prevent goods being diverted by railways from the normal route provided by Steamer Companies. If that provision is accepted, it will be enough.

The Council adjourned for 15 minutes for prayer.

(After adjournment.)

Khan Bahadur MUHAMMAD ABDUL MOMIN: I congratulate Mr. Thompson for the very fine speech, I believe the best speech, which he has delivered this Session. If there were any grounds ever put before this House for any Bill to be recommitted, I think he has made out a very good case indeed. Nevertheless, Sir, I am afraid that we are unable to support his amendment for recommittal, and for reasons which I shall very shortly put, namely, that although we admit that the financial positions made in the Bill are very *kutcha* so far, we hope that after the Bill is passed, Government will certainly provide money if they want this Bill to be brought into force. The position is very similar to that of the Primary Education Bill. That Bill we all supported because it was a good Bill and we thought it would be very beneficial to the people, although we knew that the Government was not in a position to supply the funds to bring that Bill into force immediately. Similarly, Sir, this Waterways Bill has got the potentialities of being a measure which will be very beneficial to the people of Bengal. At the present moment we fail to foresee much good, and I agree entirely with Mr. Thompson, that unless more funds are provided, the Bill will be practically infructuous. But once the Bill is made into law, and the Waterways Board is formed, I daresay that Government will find the money for it. I do not know the result of the Hon'ble Member's efforts in trying to meet the objections as regards finances which were made in the Select Committee. We know that Government moves very slowly, and perhaps in this case they have not been able to do what they wanted to do. Obviously, we want more money, and we have also pointed out the sources from which the money can be found. For instance, we are entirely at one with Mr. Thompson when he says that part of the money

that now goes to the Improvement Trust from the people of Bengal should certainly come to the Waterways Fund. Similarly, the question about the terminal tax also requires very careful investigation. If as a result of this Bill the Railways put up their freights and fares, it will be certainly very unfair that the money charged on their passengers should go to the Railway Board and should not come to us. I hope the Hon'ble Member will be able in his reply to give us some sort of assurance that steps will be taken in order to amend the Calcutta Improvement Trust Bill or to make arrangements for getting the terminal tax from the Railways, in case the Railway find it necessary to put up their fares and freights.

With these words, I submit that it will be no good sending this Bill back to Select Committee at the present stage.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Mr. President, Sir, the point at issue at the present moment is whether the Bill should be recommitted or be thrown out in view of the financial difficulties of the Government or whether we should proceed with the Bill. Sir, there is every justification for demanding that when the Government are not prepared to provide sufficient funds for financing the project, it is desirable to have the Bill thrown out or recommitted. There can be no denying the fact that unless the financial position be strengthened the Bill will be practically a dead letter. But considering that irrigation plays an important part—— (A VOICE: "Not in this country.") Yes, not in this country, but in other countries. Look at Egypt; by irrigating the Nile the lands there have been converted into fertile lands. Even in the Punjab, irrigation plays a very important part in the development of the nation and for the economic development of the country. On it depends the health and wealth of the people, but unfortunately for Bengal the Irrigation Department has been treated as a reserved subject under the Hon'ble Member. In other provinces—Bihar and the Punjab—this has been a transferred subject, under the charge of an Hon'ble Minister, but here not only has it been treated as a reserved subject, but it has been treated as one of the departments of Government *in toto*. The voice of the people has no effect on the department; they always turn a deaf ear to the wishes of the people. For instance, I may say that even in budgeting I find that in 1930-31, 26·2 lakhs was sanctioned, out of which 5·2 lakhs was withdrawn all at once, without the knowledge or consent of the House. In 1931-32 the original grant was 18·1 lakhs. So in Bengal this department has been looked upon as a practically useless department in the past. Lately, we have seen some activities in the department. I can mention some of the activities of the Hon'ble Member in charge. I may mention that when the Jamuna was engulfing the town of Serajganj the Hon'ble Member took proper action to save the town and also the cuts of the

Mathabhanga to Nawabganj have been achieved with great success. So there is something for which we are thankful to the Hon'ble Member. We congratulate him. But finding his position awkward our revered Hon'ble Member, the Nawab Bahadur, thought that unless the department be placed at the control of the people; it will not be saved from the encroachment of the Government at their will when any money is required. So this Bill is the result of his meditation.

With regard to this Bill it is admitted by all that unless the financial position is improved, unless Government provide more funds for this scheme, it would be practically useless to proceed with the Bill. On the other hand, it must be borne in mind that if the Bill be not passed, there will be no initiative from the Government to provide funds for the purpose. If the Bill is passed, there will be some initiative from the Government, which will take some steps to provide the necessary funds, for example, the State Industrial Bill. Hereafter the Bills had been passed; funds are forthcoming. My opinion is—let the clauses of the Bill be improved in this House; let us see how the Hon'ble Member tackles the question of finance. If the Hon'ble Member gives us an assurance that the financial position will be improved, I think there is no reason why the Bill should not be discussed in this House. With these words I oppose the motion.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Mr. President, Sir, I rise to oppose this motion. I propose, in the first instance, to reply to Dr. Sen Gupta's criticisms. I am not at all surprised that the doctor should get up in this House and make the speech which he has made, because looking at the list of amendments of which he has given notice I find that his speech in support of the recommittal of the Bill is in keeping with the spirit of all those amendments. Sir, the good doctor has suggested that the scope of this Waterways Board should be much wider, that it should have within its scope not only the object of improving navigation, not only the object of clearing silt, not only starting campaign against the water-hyacinth pest, not only looking after the *khals* and the improvement of the minor rivers which are so important to the daily life of rural Bengal, but that this Board should deal with drainage, with embankments, with irrigation and forsooth what not. I wonder why he omitted to mention agriculture or sanitation or, in fact, the whole of the activities of the Transferred Departments, and he seemed to think that half the activities of the Reserved Departments should also be brought within the scope of this Board. Well, so far as I understood him, that is exactly what he said; and I gathered that he had not carefully studied the report of the Expert Committee over which an able officer, Mr. Hopkyns, presided. Had he done so, he would have seen that this question was very carefully considered by this Expert Committee which toured all over Bengal, examined a lot of people on

the spot. They perused carefully the voluminous evidence that was placed before them and thereafter they came to certain considered and sober conclusions which they embodied in that report and that report has been before the members of the House for many years. With your permission, Sir, I would like to make a reference to that report. This is what the Committee said. The Committee took their cue from another Royal Commission which was sent out to this country by His Majesty's Government—I mean the Commission to inquire into the agricultural problems of the land, and that Commission reported that navigation should be separated from all the other activities of the department which is labelled under one broad name—the Irrigation Department of Bengal. This Expert Committee refers to that and says: "A proposal to this effect was made by the Royal Commission on Agriculture in India and in the course of our inquiry we have found that this proposal has wide support." Then they go on to state: "To determine the best line of separation is by no means an easy matter and is one upon which various opinions have been expressed in evidence before us. After full examination of these views, we have come to the conclusion that the most efficient and convenient arrangement will be secured by placing the administration of irrigation, embankment and drainage work under one authority and that of navigable waterways under another. The separation between waterways on the one hand and the irrigation, embankments and drainage works on the other will result in two organisations." Then they further state: "The only question which really arises in this connection is whether drainage should be classed with irrigation and embankments or whether it should be included with waterways. It seems to us obvious that any separation between embankments and drainage is impossible and that, where both exist in the same area, they must be dealt with as part and parcel of a single problem. The combination of irrigation and embankments practically demands, therefore, the addition of drainage. We have considered the suggestion that the line of division between the two departments might be partly territorial, and that drainage should be combined with irrigation and embankments in those parts of the province where these are important and with navigation where water-borne traffic is the chief element to be considered. A consideration of the needs of Central Bengal, however, will show the difficulty of saying where the line should be drawn, and we have come to the conclusion that drainage throughout the province should remain with the department which deals with irrigation and embankments." Such, Sir, has been the considered opinion of the Expert Committee who went very carefully into the matter and were definitely of opinion that one authority should be constituted to deal with the question of navigation of the province and to deal with concomitant problems including that horrible pest, the Liliac Devil. I need not enlarge anything further on this. I need only say to the good doctor, with all the learning that he

claims, that the cumulative wisdom of experts has been found to go against his own dictum. Now, Sir, the doctor somewhat recalls to my mind another doctor who is famous in the world. That doctor is the creation of that great poet Goethe. He is Doctor Faust. Doctor Faust was learned not only in law, philosophy, science, theology, jurisprudence but in everything else, and he wanted to find one panacea for all evils—one broad principle for tackling all problems in the world. Well, Sir, our good doctor like Dr. Faust may exclaim—

"Hab nun ach die Philosophey,
Medizin und Juristerey,
Und leider aush die Theologie
Durchaus studirt mit heisser Müh.
Da steh ich nun ich armer Tohr
Und bin so klug als wie zuvor."

Which means: "I have now, alas, by zealous exertion, thoroughly mastered philosophy, the jurist's craft, and medicine, and to my sorrow, theology too. Here I stand, poor fool that I am, just as wise as before." Therefore that great doctor finding no other method open to him invoked the aid of Mr. Mephistopheles known in plain English as the Devil with whom he made the following pact:—

"Wenn ich zum augenblicke sagen
Verweile doch du bist so schön
Dann kaust du mich in fesslen schlagen
Dann will ich gern zum gründe gehen."

Which means: "If I ever say to the passing moment—'Stay, thou art so fair!' then mayst thou cast me into chains; then will I readily perish."

My friend Dr. Sen Gupta should invoke the same aid. If he did so, I have no doubt that there would be a similar force forthcoming that will enable him to create a Board that will deal with all his problems.

Dr. NARESH CHANDRA SEN GUPTA: On a point of personal explanation, Sir. The hon'ble member is dealing with a proposition which I never stated. I never said that the Waterways Board should deal with everything. What I said was that it was mixed up with numerous other questions which ought to be simultaneously solved.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: I have got in my notes all that he said, and

I think I have answered all the points. Then the good doctor was indignant about the dredgers, and he thought that they should be sunk in the Bay of Bengal. I am afraid neither the doctor nor any member of the House has taken the trouble to go and visit these dredgers. Here is a book that I hold in my hand which is semi-confidential, but if my friend ever comes to me I shall be very glad to show him this book from which, I am sure, he will learn a great deal about the dredgers. Now so much for the dredgers.

Before I leave the dredgers I might inform the House that Government have decided to maintain as little staff as possible. The intention was that there should not be a duplicate establishment, one of Government and the other of the Board, for the dredgers and therefore one establishment would be enough to deal with them till the Board decided as to how many would be required. May I say here that the dredgers are very important things.

The doctors has also enlarged on finance. I propose to deal with that subject later on when I turn to Mr. Thompson. I must begin by saying that I was not a little astonished at the tone and taste of Mr. Thompson's speech. It recalls to me the days when no epithet was good enough to fling at the members of Government and particularly the Ministers, and I am surprised that Mr. Thompson should have with his past experience tried to emulate those tones and tastes. I do not, however, propose to emulate him. I only say that we know that he had been in the service of Government, which he is not at the present moment, and that may explain to a certain extent the reasons why he said those things. He said a few things to which I take very strong exception. He said that I misrepresented the wishes of the Select Committee. Nothing of the kind. The members of the Select Committee are here, and I am perfectly certain that they will bear me out in what I said. I said yesterday that the members of the Select Committee gave a patient hearing to Mr. Thompson's friends, allies and colleagues. At the end of the patient hearing only three points were thought worthy of consideration by the Select Committee. One was going behind the considered opinion of the Expert Committee. In order to have a calm atmosphere, in order to show a spirit of conciliation, they agreed that there should be a member of the Trust to represent the Steamer Companies. That I think was a very great concession.

I come next to the two financial propositions. These two propositions were embodied in the report, and let me just repeat what they said. They said that the Select Committee would not unavoidably delay the passage of the Bill. Would not recommittal delay the passage of the Bill, I ask? Then they said that "when taking its report for consideration, the House should have placed before it as full an appreciation as possible of these two propositions." I can assure the members of the House that the two propositions are receiving

every consideration from Government. I have to tell the members of the House the considered opinion of Government and, therefore, I have been taking every care and trouble to ascertain their opinion. I have given the assurance that both these points will be explored, and more than that I am not in a position to say. So, I have in no way gone or done anything against the behests of the Select Committee. Therefore, I join issue with whatever he said with regard to that, and I totally deny it. It is perfectly true that the Select Committee considered that the finances were not satisfactory. Who says that they are? Did I say that they were? Thanks to my friend Maulvi Majid Baksh who pointed out that we must be content with what finances we have got. Once the Bill is passed into Act and the Board constituted, then it will be time to consider the question of more finance, and I am obliged for the words that fell from my friend Mr. Majid Baksh. Mr. Thompson has also said that I stated that we shall only have Rs. 6 lakhs to go on with—the balance that will remain after deducting the expenditure from the income side of the Trust. That is not quite correct. I said that as far as Government have been able to foresee, the probable income of the Trust would certainly not be less than some 22 to 23 lakhs. Remember please that this takes no account of the two other heads, of which one is the income that may be derived from the license fees of country boats. We are not in a position to give a correct estimate of what the income would be from those fees.

Then there is another point which is still hanging fire, namely, whether the good Port Commissioners would be willing to contribute to the Waterways Board. That matter is being considered. At the time of the introduction of the Bill in this House I pointed out what happened on that memorable occasion when I had a meeting of the Standing Committee on the Waterways Bill on board a steamer supplied through the kindness of the Steamer Companies and Mr. Leeson, and which I then termed a "Floating Committee." On that occasion we had great enthusiasm displayed by the representatives of the Steamer Companies who were very enthusiastic about this Board, and on that occasion the gentleman who happened to be the Chairman of the Port Commissioners heartily agreed that he would be willing to contribute, provided he got some *quid pro quo* by way of watching the head-waters of the Ganges. So it is reasonable to expect that perhaps the Port Commissioners' hearts which may have now turned into flints may hereafter melt and they may make some contribution also. Therefore, the income which has been estimated by the Finance Department of Government, and which my friend sitting to my right scrutinised very carefully, is not the last word, even if things stand as they are at present. Remember also that the figure that has been included in this estimate as proceeding from the surcharge of the steamer freights and fare is far less than what has been visualised by Mr. Hopkyns and his Committee. Had I not gone very carefully into the financial question of the problem, I

should not have been here to ask the House to take the Bill into its consideration. The Bill was delayed, time after time, because the Steamer Companies wanted further consideration and more and more consultation. Thereafter, when everything had been done, we took into consideration the present economic condition of the country and we decided to include in our estimate a very low and reasonable figure to suit the time. Therefore, to begin with Rs. 22 or 23 lakhs does not represent the last words as regards the finances of the Trust.

As regards the expenditure, we sent up to the Government of India two tables. The second table gives the figure of 16 lakhs. But may I point out that the Trust will be composed of members of various expert bodies, commercial bodies, representatives of the people and district boards who will bring to bear their accumulated experience, and I am certain that they would wish to reduce the expenditure as much as possible and that their estimate will not be drawn up on a lavish scale. In fact, my late Chief Engineer was also of the same opinion and said when he gave me a note on the subject that as this will be a non-official concern and something which is intended to do good to the country at large, very great deal of care should be taken to see that the expenditure side is kept down. Therefore, I presume that the expenditure, as I said, may become some lakhs less than the estimate, namely, about 14 lakhs. That gives us about 8 or 9 lakhs. Anyhow, I do not pretend to claim that this is enough. I do not pretend to say for one moment that the Waterways Trust does not deserve 50 lakhs. Nor has the Government ever said that the contribution which it has agreed to pay is the last word.

As regards the question of terminal tax, the Railway or the Calcutta Improvement Trust, naturally the House will not expect me to say anything on these two points, because the matter is still under the careful consideration of Government, and I am not in a position to say anything about them. My friend Mr. Thompson has asked me to give him an assurance. The only assurance I can give him is the one which I have already given and I will read that out from the old Bill. It is this: In view of the present economic situation, it is not intended that the Act should come into force as soon as this is passed. This was, Sir, in November, 1932, when our finances were bad. Furthermore, I am giving him another assurance. Of course, I do not know whether it will give him satisfaction. It is not in my command to give him satisfaction, but I shall only try to do so. Government will certainly be pleased to consult the Chamber and other bodies before they put the Act into force; we shall surely see to that. Government will only be too glad to consult them. But beyond that I am not prepared to commit Government to anything else. Government cannot have its hands tied in any way except in so far as regards the assurance that I have given.

I do not propose to take my old friend Babu Kishori Mohan Chaudhuri whom I may call the Cato of this Council seriously. Age is no doubt a factor for being taken seriously, but his utterances to-day take away the claim to the title of Cato. So I would not take him seriously. Furthermore, the points made by him have been met by me when replying to the criticism of the good doctor and the good arithmetician Mr. Thompson. I am grateful to all my colleagues of the Select Committee who have got up in their places and explained to the House what actually happened in the Select Committee, though I rather expected something more from my friend Mr. Narendra Kumar Basu, but I think that he has given only an earnest of what he intends to do, and I hope the balance is going to follow. Anyhow, it will be seen that far from it being the case that I have misrepresented the happenings in the Select Committee, I think it is rather Mr. Thompson who has not stated exactly what was settled in that Committee. Well, I think, Sir, this is all that I need say. I have met all the points that were raised by those members of the House who want to block a measure of this kind, and I am astounded that, while yesterday we were all inspired with one ideal, namely, to do what we can for the weal of the country where we live—our motherland, or the land of adoption of those who are referred to occasionally as birds of passage, to-day I am amazed to see that any attempt should be made from any quarter of this House to block a measure like this. I may also say that I shall not be divulging a secret when I say that a certain gentleman had twitted me outside this House.

Mr. PRESIDENT: I do not think you can refer to that.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: All right, Sir, I won't. I was twitted as to why I did not bring this Bill forward much earlier. Now, Sir, the Bill has been brought forward; it has been through the Select Committee and is now before the House for consideration. I have done all that is humanly possible in accordance with the wishes of the members of the House in order to do something for the benefit of the country at large and it is for the Council to support me. With these words, Sir, I oppose the motions.

The amendment of Dr. Naresh Chandra Sen Gupta was then put and lost.

The amendment of Mr. W. H. Thompson was also put and lost.

Mr. PRESIDENT: Khan Bahadur Abdul Momin has tabled an amendment which occupies the next place, but as it relates to the Preamble I think it may be taken up later.

Khan Bahadur MUHAMMAD ABDUL MOMIN: On a point of order, Sir. As further progress of the Bill depends very much on the result of the voting on this particular motion, is it not possible for it to be taken up now?

Mr. PRESIDENT: In what way do you think this amendment will affect the debate on the Bill?

Khan Bahadur Maulvi AZIZUL HAQUE: With your permission, Sir, I might say that we can discuss the amendment before the House now, and after disposing of all the amendments, the Preamble might be put. I submit, Sir, that will not be inconsistent with the procedure while at the same time it will give us an opportunity of discussing the scope of the Bill at the outset and making the position clear to the House.

Mr. PRESIDENT: But what is the usual practice?

Khan Bahadur Maulvi AZIZUL HAQUE: The usual practice is that the Preamble is never taken into consideration; that is why after the whole Bill is taken into consideration, such amendments as may be brought forward within the scope of the Bill——

Mr. PRESIDENT: My point is this: If you can effect any change in the Bill which affects the Preamble, as it stands, why could not the Preamble be altered?

Dr. NARESH CHANDRA SEN GUPTA: May I point out that there are several amendments upon which the opinion of the House will be one way or the other according as the Preamble is in the existing form or as in the amendment. For instance, my amendment No. 11——.

Mr. PRESIDENT: I quite understand your point. But my point is this: If members are really serious about effecting certain substantial changes, why cannot they do so without changing the Preamble at this stage?

Khan Bahadur Maulvi AZIZUL HAQUE: If this is taken up at this stage only, the amendment and not the Preamble will be discussed. So, this will avoid much waste of time afterwards.

Mr. PRESIDENT: I am not taking up the Preamble now. You will have ample opportunity to alter the Preamble, later, if it becomes necessary.

Khan Bahadur Maulvi MUHAMMAD ABDUL MOMIN: We are of opinion that further progress of the Bill will be influenced by the result of this particular amendment. Therefore, without knowing what will happen to this particular amendment, we cannot vote one way or the other on some of the important amendments: for instance, on the amendment relating to the question of finance.

Mr. PRESIDENT: I am not convinced. I am still of the opinion that there can be no harm if your amendment and the Preamble are discussed afterwards.

Khan Bahadur Maulvi AZIZUL HAQUE: What I was going to suggest is that the Preamble is always altered afterwards when the Bill has taken a particular shape but in the present case——

Mr. PRESIDENT: Order, order, the Preamble is altered to suit the changed condition of the Bill, and there is no reason why we should deviate from the usual practice in this case. If you think that by changing the Preamble now, as contemplated by the amendment, you will attain any advantage you may presuppose, for your purpose, that such a change has been effected in the Preamble and press your points when the clauses of the Bill are taken one by one. If you succeed, there will be no difficulty in changing the Preamble accordingly.

Khan Bahadur Maulvi AZIZUL HAQUE: The question of procedure is entirely at your discretion, Sir, and that being so——

Mr. PRESIDENT: It has always been the practice of the House to take up the Preamble last and, in my opinion, it is a very sound practice. There is no reason why we should depart from it.

Khan Bahadur Maulvi AZIZUL HAQUE: Without any intention of questioning your decision in this matter, Sir, may I point out that in view of the desire expressed by different sections of the House that it would be very much convenient if the usual practice were not followed in the present case—

Mr. PRESIDENT: I am very sorry I cannot accede to your request.

Clause 1.

The Hon'ble Alhaj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Sir, I beg to move that in clause 1 (*1*), line 2, for the figures "1933" the figures "1934" be substituted.

This is merely an error of year, Sir, as the year in which the Bill is being discussed is 1934 and not 1933. This is purely a formal amendment.

The motion was put and agreed to.

The question that clause 1 as amended stand part of the Bill was put and agreed to.

The question that clauses 2 and 3 stand part of the Bill was then put and agreed to.

Clause 4.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 4, line 1, for the word "twelve" the word "fifty" be substituted.

The amendment which I am placing before this House is only part of a scheme which I propose, and the other part of the scheme will be found in the subsequent amendment, No. 18, and other clauses. My proposal is that for the word "twelve" the word "fifty" be substituted. How the fifty is to be constituted I have indicated in the other amendments. In constituting a Board for the purpose of taking charge of the waterways of Bengal, it is possible to proceed on two different lines. It is possible to say that the Board will be merely an expert department of the Government. If that be so, the Board might be as small as you choose and consist only of experts. But the Government has not taken up that attitude. The Bill proposes to provide a Board which is not to be a part of the Government, a self-contained body like the Commissioners for the Port of Calcutta or the Calcutta Improvement Trust; it will have sole charge of waterways and subject to certain limitations will be able to do what it chooses with the waterways of Bengal, and that body should be constituted on a much wider basis. If the Board were a part of the Government of Bengal like the Board of Revenue, for instance, whatever the Board might do would be the act of the Government, and we in this Council, as representing the people of this province might discuss those measures and call the Government to account, and with luck, possibly defeat Government's proposals if we thought it went against the interests of the people. But this Board is not going to be a Government Board; it is gong to be an independent body. Very large powers are given to this Board in respect of dealing with waterways which, as I have said and everyone knows, constitute the life blood of the people. But, Sir, in the course of the last debate it has been made clear that this Board is to have nothing to do whatsoever with either your sanitation, your drainage or your irrigation or agriculture, or any of the other things, with which a Government is concerned. Its sole concern will be navigation. It will excavate waterways, close waterways, divert waterways in what way they desire,

and its sole concern will be to look upon waterways as waterways only. But in the course of this diverison of the waterways it might be ruining the agriculture or health of the country as the Railways have done, and as some of the canals have done. Well, if that is done and if we then come up to Government in this Council and charge Government with what it has done, we will be met with the reply, "it is not our Board, it is not our responsibility, we cannot be responsible in the matter, the Board is an independent body, a body corporate." Well, I can understand the sort of thing if you do that; if you want that Board to take charge of such an important matter, well you must give interested people a voice in the matter. You must provide for the representation of those who are responsible for the health of the country, you must provide for the representation of those who are responsible for providing the country with food, the agriculturists; you must provide for the representation of district boards and municipalities, for instance, who are responsible for the health and for the amenities of the cities. All these parties have to be represented there; the people are to be represented there in order that the projects of the Waterways Board may not be antagonistic to the other interests of the people. To provide such a Board 50 would seem to be the minimum number. Well, Sir, I quite appreciate that it is not possible to have an executive Board consisting of 50. It is not my purpose that this Board of 50, if constituted, should be an executive Board. If the Hon'ble Member will look at my amendment No. 18 he will find that for carrying out the executive work of the Board I have proposed that—

"The Local Government may by rules provide that for certain prescribed classes of business it will not be necessary to call a meeting of the entire Board and that in respect of such business the powers and duties of the Board may be exercised and performed by the Executive Committee of the Board:

Provided that at least one meeting of the full Board must be held every year to consider the annual report and accounts of the Board, the annual budget, and the programme of work for the year ensuing."

In other words, what would be practically the proposed Waterways Board will be the executive body carrying on the work all through the year. The constitution which I have proposed for the Executive Committee of the Board will be found in amendment No. 79, consisting of a Chairman, the Director of Public Health, Bengal, the members representing the Chamber of Commerce and the mercantile community, the representatives of the Legislative Council, and five members elected by the Board from among the remaining members. That will be a perfectly handy body which will be able to transact all the business of the Board which will be merely of a routine character. On the other hand, annual meetings of the full Board, consisting of all the interested

parties of the whole province, would be able to deal with questions of policy with due regard to all the various interests which are affected by the free use of the waterways. The Hon'ble Member in his answer to one of my previous speeches proceeded upon an entire misapprehension in dealing with my proposal. I do not want the Waterways Board to take charge of all the multifarious problems of the province. But the problem, the Board will have to deal with is inter-connected with other problems which cannot be dealt with apart from each other. In order to do this, the least that can be done is to establish a Board in which all these interests would be represented. I hope that the Hon'ble Member will be pleased to see that in making this proposal I am not suggesting anything which will in any manner impair the executive efficiency of the Board. I am following merely the precedent of other bodies of a similar character, for instance, the Universities and other places where there is a large body for discussions and a small body for carrying out the programme. It will be on the one hand help to carry on the work with expedition and efficiency, and on the other hand, enable the people to have control over the work of the Board. Once you remove all responsibility for waterways from the Government, that is being done by the Bill to a certain extent, then the least safeguard that can be provided against the Waterways Board dealing with waterways in the way that the Railways have in the past dealt with lands to the detriment of the vital interest of the people. I hope the Hon'ble Member will see his way to accept this motion.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: There is an old adage that says that you can take a horse to the water, but you cannot make it drink, and that applies, I think, Sir, in the case of the doctor. I explained to him that this Board is not contemplated to be constituted to deal with all these problems which he visualises by the various amendments that he has tabled, and I have also told him of the result of the experience of the members of the Expert Committee who have discussed this matter with a large body of persons. This particular motion and all other motions of his are based entirely on this one idea of his which he has got into his head, and it is impossible for me to take it out. Anyhow. I again have had to tell him this.

He has also said that we have not much finance. It is agreed that the time is such that it is not possible for Government to provide more money and so forth. The scheme he has proposed is very expensive, even if there is no other fault to be found with. On this ground I certainly oppose the motion.

The motion was put and lost.

Babu AMULYADHAN RAY: Might I submit one thing to you, Sir? I have motions 46——

Mr. PRESIDENT: No, I have decided to take up 12 to 17 together and have one discussion.

Mr. NARENDRA KUMAR BASU: May I point out, Sir, that 12 to 17 are consequential upon the changes proposed in clause 5. If you take up clause 5 before clause 4, then it will be all right.

Mr. PRESIDENT: Why did you then discuss Mr. Sen Gupta's motion?

Mr. NARENDRA KUMAR BASU: He raised no objection.

Mr. PRESIDENT: Before I come to a decision, I should like to know what would have happened if Dr. Sen Gupta's motion had been adopted?

Mr. NARENDRA KUMAR BASU: Then every other amendment would have fallen through.

Mr. PRESIDENT: Yes, because he wanted a much larger number.

Mr. NARENDRA KUMAR BASU: If No. 11 had been accepted, the one that we have just negatived, and No. 23 negatived, then in clause 4 we would have got the Board to consist of 50 trustees while under clause 5 it would consist of 12 trustees. The number 12 in clause 4 is taken from the number in clause 5 so that, if in clause 5, say my amendment No. 35 is accepted, and clause 5B is omitted, then if we have under clause 4 the number and in clause 5 the total number comes to 11, it will be nonsensical.

Mr. PRESIDENT: You should have objected when that amendment was moved. However, it is time to adjourn now for 15 minutes. I shall consider the point you have raised and give my decision when we reassemble.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dildusar: May I make one submission, Sir? Personally, I have no objection to this suggestion if it suits the hon'ble member.

Mr. PRESIDENT: We better not take any step in haste.

(At this stage the House adjourned for 15 minutes for prayer.)

(After adjournment.)

Mr. PRESIDENT: There is a considerable feeling in the House that difficulties might arise if I do not at this stage give the House an opportunity to discuss the amendments in regard to clause 5. I fully share that view and I shall, therefore, dispose of all the amendments relating to it before we get back to clause 4, inasmuch as they deal with allocation of seats on the Board.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that clause 5 (*b*) be omitted. The clause says that the Chairman of the Port Commissioners or a person appointed under section 7 shall be a member of the Board.

This, Sir, I submit is not at all necessary. I shall be presently told by the Hon'ble Member that it has been taken from the report of the Hopkyns Committee. I find that the Hopkyns Committee did say on page 4 of their report that the nucleus of the Board will be certain persons, the second of whom is said to be the Chairman of the Port Commissioners, *ex-officio*. But the reason for that recommendation given by the Hopkyns Committee was that they said that the Port Commissioners should contribute to the funds of the Waterways Trust, and they also pointed out on page 28 of their report, paragraph 141, that it would be justifiable to ask the Port Trust to make an annual contribution to the funds of the Waterways Trust of a sum which they anticipated would be not less than Rs. 2 lakhs annually. It is because they thought that the Port Commissioners should be called upon to make an annual subsidy of Rs. 2 lakhs that they recommended that the Chairman of the Port Commissioners should be a member of the Board. But now in this Bill there is not a word about any financial contribution from the Port Commissioners. Therefore, I see no reason why the Chairman of the Port Commissioners should be a member of the Trust *ex-officio*. He may come in, if the Local Government so desire, amongst the last clause, that is, the three persons to be appointed by the Local Government, but so long as the Port Commissioners do not pay a pice to the fund of the Waterways Board, I submit there is absolutely no reason why the Chairman of the Port Commissioners or a person appointed by him should be a member of the Board. I, therefore, commend my amendment to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to move that for clause 5(*b*) the following be substituted, namely:—

"(*b*) The Director of Public Health, Bengal."

My proposal is that the Chairman of the Port Commissioners or a person appointed under section 7 be deleted and in place of that the

Director of Public Health, Bengal, be inserted. My friend, Mr. Narendra Kumar Basu, has given some very cogent reasons for the exclusion of the Chairman of the Port Commissioners. I will only add another to that. If you look at clause 42, sub-section (2), you will find it provided that the Local Government may by notification declare which of the navigable channels, other than canals as defined in the Bengal Irrigation Act, 1876, and the navigation works and the lands, buildings, locks, sluices and other works appertaining thereto held by or under the control or administration of the Local Government shall, for the purposes of this Act, be controlled and administered by the Board. Even this power of the Local Government is restricted as will be seen from the proviso:—

"Provided that no navigable channel within such limits as may have been declared under the Indian Ports Act, 1908, to be the limits of the Port of Calcutta, and of the navigable rivers and channels leading to the said port, shall be placed under the control and administration of the Board:"

In other words, the Waterways Board will have nothing whatsoever to do with any river in which the Port Commissioners are even remotely interested. When we come to this section I have to make submissions with regard to the practical difficulties of this clause. Looking at the clause it is perfectly clear that what is contemplated is that so far as the Port Commissioners are concerned, the Waterways Board must keep its hands off. The Waterways Trust must not do anything which might in the remotest manner affect the Port Commissioners. Therefore, there is absolutely no reason why the Chairman of the Port Commissioners should be an *ex-officio* member of the Board. As an expert on waterways, if he is so, the Government may consider his services to be useful, and if they think so, they could nominate him among the three members the Government have power to nominate. Therefore, the Chairman of the Port Trust has no place in dealing with the waterways of Bengal.

Then reading section 42 once again the House will find that it is left to the discretion of the Government to declare which of the navigable channels should be vested in the Board. Looking at the report of the Hopkyns Committee it is quite clear what is in the mind of the Government. They cannot propose to do anything to go beyond the recommendations of the Hopkyns Committee. They may possibly give to the Board much less. The Waterways Board will therefore be concerned exclusively with Eastern Bengal and the waterways leading to Eastern Bengal. Therefore, the Waterways Board will have nothing to do with Central or Western Bengal, a viewpoint which has been missed by my friend, Mr. Majid Baksh, when he waxed eloquent

on the ruin of Nadia and Jessore due to the silting up of the Mathabhanga. Well, the present Bill is not going to help him to solve the problem. The Mathabhanga is not mentioned in the Hopkyns Committee's report, nor is it in the contemplation of Government, and therefore it is not going to be cleared by the Board. On the contrary, there is every reason why the Director of Public Health, the man who is in charge of the public health of Bengal, should be on the Board in order that the Board may not commit the mistakes, which the Railways have made, of ruining the health of the whole countryside by ill-considered schemes for the improvement of navigable channels. I have already spoken of the many mischiefs that can be done by the mismanagement of waterways in various ways. At any rate, the Waterways Board before they launch on any scheme ought to have the expert advice of the Director of Public Health so that the sanitary effects of the scheme may be judged by him. I therefore commend this amendment to the acceptance of the House.

Mr. PRESIDENT: I should like to know if the Hon'ble Member in charge of the Bill would like me to take up all these amendments together in order to have one discussion on them.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I think we should take up each one separately.

Mr. L. R. FAWCUS: The point that has been raised here is also dealt with in clause 7. I suggest that the amendments on that clause be taken up along with these.

Mr. NARENDRA KUMAR BASU: But those are consequential amendments.

Mr. PRESIDENT: I think they may be taken up after we have disposed of amendments Nos. 35-78; all these affect clause 5 with regard to the allocation of seats on the Board. I think you better deal with the two amendments that have already been moved.

Mr. L. R. FAWCUS: Sir, the question at issue is the inclusion of the Chairman of the Port Commissioners in the Trust. The Port Commissioners are vitally interested in the rivers that lead to the Hooghly which is as it were the life-blood of the town of Calcutta, and those rivers are the arteries of the Hooghly. For that reason any scheme which will affect the rivers which lead to the Hooghly when under consideration by the Trust should certainly have the

advantage of the expert advice of the Chairman of the Port Commissioners. Secondly, I think it will be to the advantage of the Trust to have the experience of a man of the calibre of the Chairman of the Port Commissioners. If they had to get professional advice, such as they can get from the Chairman of the Port Commissioners, for a very nominal fee, it would cost them a very large sum indeed. My third point is that to the Port Commissioners the question of river-borne traffic—this is alluded to in the Hopkyns Committee's report—which passes in and out of the Port of Calcutta is of immediate importance, although that traffic may come from outside the jurisdiction of the port. Therefore, the Trust which will have to consider schemes relating to such rivers should surely include the Chairman of the Port Commissioners. Those three points, I think, will be sufficient to convince the House that there is much more to be said for the expediency of the inclusion of the Chairman of the Port Commissioners in the Trust than for the exclusion from it.

Then I come to the question which has been raised by Dr. Sen Gupta about the inclusion of the Director of Public Health. He stands on a different footing from the Chairman of the Port Commissioners inasmuch as he is a departmental officer, to whom all schemes formulated by the Trust will have to come up for examination, and he will have to give his opinion on them as an officer of Government. It will place him in an invidious position if after being party to a particular decision in his capacity as a member of the Board he has again to criticise the scheme involving this decision from Government's point of view in his capacity as Director of Public Health. His action will no doubt be available to the Waterways Board, but it will be quite possible for him to give this advice without being actually a member of the Board. I therefore oppose the proposal that the Director of Public Health should be on the Board, and strongly support the inclusion of the Chairman of the Port Commissioners on it.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, a very important question of principle is involved in the amendments which have been moved. One is as to whether or not the Director of Public Health should be on the Board, and the other is whether the Chairman of the Port Commissioners should be excluded from the Board. I would first deal with the question of the Chairman of the Port Commissioners. If we look at the history of the Bengal Waterways it seems to me that for the last hundred years or a little more we find that Bengal is obsessed with the interests of Calcutta and its surroundings. Sir, I might say, as I said once before in this House, that it was in the year 1820 that the question of sufficient water in the Hooghly below Calcutta was under discussion and because we could not get more water the

engineers of the Public Works Department advised that one of the rivers in my district should be filled up at its mouth with caissons and other obstructions, and thereby kill the river. That is the history of irrigation during the last hundred years and more. You have always looked for more water for Calcutta and its surroundings for its trade, but you have not looked to the interest of those who reside in the *mufassal*. Sir, one singular fact will strike you at once and it is this: that we are visualising in future the development of navigable projects and the improvement of waterways for this purpose. Past experience tells us that whenever a navigation project or any scheme for transport facilities was taken up for consideration in this province the problem of health and sanitation has been altogether omitted, with the result that matters have now taken such a serious turn that unless a crisis is imminent, the question of health is never taken up; that happened in the case of railway development and also in the case of transport facilities. I may give two examples from the Irrigation Department itself: take the Madaripur Bil project. Was there any necessity for it except for the purpose of giving a little more water to the channels so that steamers could ply there only for a few months in the year, and yet the fact that the channel was bringing out more and more waters for many years past round about was not taken into consideration. When the Midnapore project was taken up, it was found that there was not sufficient water and lock gates, *bunds*, sluices and all sorts of contrivances were accordingly put up to control water for the facility of navigation, while the question of drainage of that area was forgotten altogether. At the very initial stage before the Trustees discuss any major project, it is the desire of many that the health problem should be taken into consideration and it should not be looked upon from the point of view of navigation and navigation alone; and if it is eminently necessary to have expert advice available to the Board, as Mr. Fawcus has said, in the shape of the Chairman of the Port Commissioners, is it not, Sir, still more necessary that the problem of health should be taken into due consideration and that the Director of Public Health should be on the Board? The only point raised against this contention is that it might embarrass a Government officer if he advised the Board in one way in one capacity and when Government asked his opinion on the same measure, he advised them in any other way. But, Sir, is not the Irrigation Department of this Government an apt illustration of that fact? Is it not a fact that the Chief Engineer who was the head of the Irrigation Deparment was also Secretary to the Government and the same measure that he advocated as Chief Engineer was subjected to his administrative scrutiny as Secretary? If that could be done without any great shock to governmental practice, the presence of the Director of Public Health will not cause any great difficulty. The Board will get his advice in one capacity and later on he will advise Government

in his capacity as Director of Public Health; and I submit that in a controversial question of this nature it becomes very difficult for laymen to take any part; I fear lest I might at any time be compared with a renowned character in English history, but still I must make my submission to that effect.

Mr. C. R. DAIN: Is there a single gentleman in this Chamber who in the honesty of his heart does not believe that this city of Calcutta depends on the river Hooghly? Whoever he is, whether he be a layman or an expert, when in the privacy of his chamber he communes with himself, he cannot but come to the conclusion that the city of Calcutta depends on the river Hooghly. Take away the Hooghly and turn it into a dead sea, then Clive Street is gone and together with it, all the great buildings which now make this city will pass away. Sir, it is an extraordinarily good thing to main the Hooghly. I do not pretend to be an expert on the subject, but it does seem to me that within a port which has the care of the waterways—and surely the Hooghly is a waterway—the Hooghly is worth preserving and we cannot take any chance with it. I am perfectly certain that there is no one in this House here who, were he to search himself, would be for taking a chance with it—the river Hooghly on which we are living and in which many Hindu girls die. (MR. NARENDRA KUMAR BASU: "Pity that more non-Hindus don't.") May I suggest that if this city of Calcutta contains all that we hold dear and which depends so much on that river, surely we should have the Chairman of the Port Commissioners on this Board. I do not mean to say that the Chairman is necessarily an expert; it is impossible for him to be an expert on the Hooghly, but he has behind him a mass of expert information and gentlemen able to advise him, and it seems to me therefore that it would be a disastrous thing to exclude the Chairman of the Port of Calcutta from any Board which had to deal with the waterways of Bengal.

Maulvi ABUL QUASEM: Sir, the speech which has just now been made by Mr. Dain has missed altogether the point that was distinctly emphasised by Dr. Naresh Chandra Sen Gupta. I would, with your permission, Sir, draw Mr. Dain's attention to the proviso to clause 42, sub-clause (*2*). It was not in the original Bill but was inserted by the Select Committee. The proviso runs thus:

"Provided that no navigable channel within such limits as may have been declared under the Indian Ports Act, 1908, to be the limits of the Port of Calcutta, and of the navigable river and channels leading to the said port, shall be placed under the control and administration of the Board."

Mr. Dain has waxed eloquent over the fate of the river Hooghly on which depends the life, prosperity and the existence of the city of Calcutta and its people. Sir, the proposed Waterways Board will have nothing to do with the Hooghly or Channels and rivers——

Mr. C. R. DAIN: May I rise to say that I am fully aware of that clause, Sir?

Maulvi ABUL QUASEM: So the proposed Waterways Board will have nothing to do with the Port of Calcutta or channels or rivers leading to Calcutta. So it is difficult to understand how the Chairman of the Port Commissioners is a person indispensable for this particular Waterways Board. Mr. Narendra Kumar Basu has pointed out that it was originally intended that the Port Commissioners should annually contribute a sum of Rs. 2 lakhs to the fund of the Waterways Trust: that money, however, is not going to be provided by them. The Port of Calcutta is not going to be affected in any way by this Bill. The Port Commissioners are not contributing to the funds of the Trust as was originally intended. Therefore, there is absolutely no reason why the Chairman of the Port Commissioners should be thought to be an indispensable person to be a member of the proposed Board.

Mr. P. N. GUHA: Those who have carefully studied the history of this Bill will realise that in future the operations of the Act will mainly apply to the areas of Eastern Bengal, which is known as the river districts of Bengal. Dr. Naresh Chandra Sen Gupta has rightly said that in bygone years very little attention has been paid towards the health of the people in dealing with the waterways. Sir, as an East Bengal man and as one who has passed through almost all the rivers of Eastern Bengal, I can assure the House that proper attention towards health conditions of the people has never been paid in diverting or in dealing with the course of the rivers. As. Mr. Narendra Kumar Basu rightly said—or I forget if it was Dr. Sen Gupta—the absence of a man like the Director of Public Health on the Board may in future result in blocking or diverting the course of all the rivers in such a way as may seriously hamper the health of the people. I do not mind if the Chairman of the Port Commissioners is on the Board. I do not however believe that he will be such an asset as Mr. Fawcus has described him to be: nor do I believe that he would be in any way injurious to the Board; but I do not think any importance need be attached to the presence of the Chairman of the Port Commissioners. I am however inclined to think that if you wish to

have anybody representing the ports, you should not overlook the Chairman of the Chittagong Port Trust; he probably will be a more useful member than the Chairman of the Port Commissioners, Calcutta. However, Sir, the principal point that I want to make out is that the Director of Public Health should be there, and I whole-heartedly support the amendment moved by Dr. Naresh Chandra Sen Gupta that he should be included. It is immaterial whether the Chairman of the Calcutta Port Commissioners is there or not. But if Government thinks that he is indispensable, let him be there like any other figure-head; but without the Director of Public Health on the Board the object of the whole Bill will be frustrated.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: The subject will not be difficult for anybody to question nor to explain. The matter is very simple. My friend Dr. Sen Gupta has suggested that the Director of Public Health should be a member of the Board. (A VOICE: "In place of Chairman?") Whether in place of a Chairman or in addition is immaterial to me. But I believe the Director of Public Health will be of great help to a Board like this and the matter is not of such a nature that his name can be seriously objected to by the Hon'ble Member in charge of the Bill. The only thing the Secretary says is that he will have to do the dual function. But I want to know from him as well as from the Hon'ble Member in charge whether the matter that will come to the Board for disposal will, as a matter of fact, automatically come to the Government as well. But I believe it will really not be the case. If that is not so, there will be absolutely no difficulty in the management of the affair. But at the same time, as far as I can see, the Director of Public Health will be of very great assistance to the Board which though mainly intended for the purpose of navigation, the element of sanitation and public health is also there. A bait is thrown out to all of us by the Hon'ble Member in charge that he was providing a machinery by which the water-hyacinth will also be removed. Are we to accept this simply as a bait? If not, why is he so very anxious to exclude the Director of Public Health? There is no sanctity in figures and if instead of twelve there would be thirteen, or even fourteen, it does not matter much. To meet the wishes of the whole House if one more member is added to the Board, it will not materially alter the Bill to such an extent that it may be objected to by the Hon'ble Member in charge. So I hope the Hon'ble Member in charge will kindly consider this proposal of the whole House and will see that the bait he has actually thrown out is not a mere bait but he really desires that in addition to the navigation, which is the primary object of this Board, they will have something to think of sanitation, etc. So this suggestion has been made from this side as an acid test which

the Hon'ble Member in charge is now passing through. If he says that he does not agree to think of sanitation when any project in future will be made for navigation then, I believe, that the European Group and all of us should combine in throwing out the Bill. That is not, I believe, the desire of any of us nor, I believe, it is the desire of the Hon'ble Member in charge. I hope he will kindly seriously consider this proposal. Really it is an acid test to his sincerity, and I hope he will successfully come out of it and will show that he has really the good of the country in his heart, and with that object alone he wants to get this Bill passed.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I have very great sympathy with the Nawab Sahib and other members of the House who have pressed that the Director of Public Health should be on the Board. No one is more alive than myself to the fact that all the schemes should pass the test of public health, but there is this to be said. The Nawab Sahib put the question, namely, whether these schemes would come to the cognisance of Government? My reply is "Yes." Section 62 provides that all big schemes must receive the sanction of Government which connotes that these schemes will have to be examined very carefully by the Department of Public Health. Furthermore, I may also tell him that schemes which would require very careful consideration on the point of public health, would be few and far between. Now, Sir, I would gladly accept the idea of putting the Director of Public Health on the Board, but for the fact, namely, that certain principles have been embodied by the Expert Committee in the report, and on these principles the constitution of the Board has been drawn up. The Expert Committee says: "We do not however propose that either Government departments or river transport companies should be directly represented on the Board. It is desirable that the Board should be able to obtain, either formally or informally, the advice and help of expert officers of Government, such as the Chief Engineer, Irrigation Department, or the Director of Public Health or Railway officers....." There it is. Therefore, it has been provided that the advice of the Director of Public Health is to be sought informally, but he should not be on the Board to vote. That is against the principles which have been set out in the report of the Expert Committee. The Khan Bahadur from Nadia, who is very familiar with what happens in the Secretariat, came out with a precedent that he set forth, that the Chief Engineer acted as Secretary. Well, I may tell him that that procedure was considered by Government to be not very satisfactory, and they have therefore done away with it. I hope that this will satisfy him. I may also tell Mr. Guha, who is very anxious for the health of the people of Bengal, that I do not yield to him in this

respect at all, and I may also tell him that provision has been made in the manner proposed, so that all these questions bearing on public health will be examined by Government. I am therefore unable to accept this.

I may tell the House that not only recently as a Member of Government but as a Minister, I have often and repeatedly said that I was always anxious that such schemes should be tested in the light of public health, and I have even agreed with what has been stated from time to time by Dr. Bentley. Anyway, that is neither here nor there. I have given the matter very careful consideration, and I think that it would be very wrong on principle to have the Director of Public Health on the Board itself, but it would be right to do nothing without the question being examined from the point of view of public health, a thing which has been already provided for, and which is there, and I think this disposes of the question of the Director of Public Health.

As regards the question of the Chairman of the Port Commissioners about which Mr. Abul Quasem said that Mr. Dain had waxed very eloquent with good effect. I certinly think that it was a case, of no wasted eloquence. Mr. Dain was eloquent about the river Hooghly, and his eloquence was directed to the fact that the particular knowledge that the Chairman would bring to the Board and his experience as Chairman of the Port Commissioners, would be invaluable to the Board. Mr. Basu whose help I very greatly appreciate was very keen about the contribution from the Port Commissioners. It has been said that if the Chairman is included in the Board we will not obtain any contribution from the Port Trust. I am not so pessimistic, but I still cherish some hope that we will receive some help from that quarter, and that is all the more reason why the Chairman of the Port Trust should find a place there.

I have nothing further to add; all the points have been threshed out, and I beg to oppose the amendment.

Mr. Narendra Kumar Basu's motion was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Barma, Rai Sahib Panchanan.
Barman, Babu Premhari.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chowdhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul [illegible].
Haque, Khan Bahadur Maulvi Azizul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Yamiuddin.
Mookerjee, Mr. Syamaprasad.
Quasem, Maulvi Abul.
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Dal, Babu Lalit Kumar.
Banerji, Rai Bahadur Saileendra Nath.
Birkmyre, Mr. H.
Bottomley, Mr. J. M.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Dain, Mr. G. R.
Edgley, Mr. H. G. A.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dilduar.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Khan, Mr. Razaur Rahman.
Martin, Mr. O. M.
Miller, Mr. G. G.
Mitter, the Hon'ble Sir Pravash Chander.
Mitter, Mr. S. C.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Roy, Mr. S. R.
Sadatullah, Maulvi Muhammad.
Sarkar, Rai Bahadur Rohini Mohan.
Sen, Mr. B. R.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Steven, Mr. J. W. R.
Suhrawardy, Mr. H. S.
Sumner, Mr. C. R.
Townend, Mr. H. P. V.
Walker, Mr. W. A. M.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The "Ayes" being 19 and the "Noes" 38, the motion was lost.

Dr. NARESH CHANDRA SEN GUPTA: Sir, having regard to the decision on amendment No. 35, may I have your permisison to alter the next amendment to read as follows:—

"That after clause 5 (*b*) the following be added, namely:—

'The Director of Public Health, Bengal.' "

The motion was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Nasem.
Bal, Babu Lalit Kumar.
Barma, Rai Sahib Panchanan.
Barman, Babu Premhari.
Bose, Mr. Narendra Kumar.
Chaudhuri, Khan Bahadur Maulvi Ahmazzaman.
Chowdhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Muhammad.
Guha, Mr. P. N.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hussain, Nawab Musharruf, Khan Bahadur.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Quasem, Maulvi Abul.
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.

NOES.

Banerji, Rai Bahadur Saileendra Nath.
Birkmyre, Mr. H.
Bose, Mr. S. M.
Bottomley, Mr. J. M.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Dain, Mr. G. R.
Edgley, Mr. H. G. A.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.

Pearson, Mr. L. R.
Ghaznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dildar.
Gilchrist, Mr. R. N.
Gladding, Mr. B.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Khan, Mr. Rasser Rahman.
Martin, Mr. C. H.
Miller, Mr. G. G.
Mitter, the Hon'ble Sir Provash Chunder.
Miller, Mr. S. G.
Nazimuddin, the Hon'ble Mr. Khwaja.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Sailesser Singh.
Roy, Mr. Surat Kumar.
Roy, Mr. P. N.
Sandelpugh, Maulvi Muhammad.
Sarkar, Rai Bahadur Rohini Mohan.
Sen, Mr. S. R.
Sinha, Raja Bahadur Bhupendra Narayan, of Jagdispur.
Steven, Mr. J. W. H.
Suhrawardy, Mr. H. S.
Sumner, Mr. C. R.
Townend, Mr. H. P. V.
Walther, Mr. W. A. H.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The "Ayes" being 23 and the "Noes" 37, the motion was lost.

Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 7th February, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 7th February, 1934, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 95 nominated and elected members.

Oath or affirmation.

The following member made an affirmation of his allegiance to the Crown:—

Mr. G. S. Dutt, I.C.S.

STARRED QUESTIONS

(to which oral answers were given)

Process-servers.

*49. **Babu NAGENDRA NARAYAN RAY:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing separately for the years 1932 and 1933—

(*i*) the number of posts of process-servers and ministerial officers in the civil courts of Bengal, abolished as a matter of retrenchment;

(*ii*) the number amongst the process-servers thus discharged, who were granted pension or gratuity when they left their services; and

(*iii*) the number amongst those discharged process-servers who were not given anything, in consideration of their past services?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): The member is referred to the answer given to similar unstarred questions—16(*i*), (*ii*) and (*iii*)—by Maulvi Muhammad

Preparation of detailed plans and estimates for works costing over Rs. 10,000 by engineers employed by local authorities.

*50. **Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the reasons why drainage and waterworks projects, detailed schemes for works costing over Rs. 10,000, are not permitted to be prepared by competent engineers employed by local authorities?

(*b*) Is the Hon'ble Minister aware—

(*i*) that such schemes are required to be prepared by the Engineering Branch of the Public Health Department; and

(*ii*) that the cost of the schemes is increased by seven *per cent.* as departmental charges?

SECRETARY to GOVERNMENT, LOCAL SELF-GOVERNMENT DEPARTMENT (Mr. H. P. V. Townend): (*a*) The rules do not forbid the preparation of detailed plans and estimates, for works costing over Rs. 10,000, by an engineer employed by a local authority provided that the Chief Engineer, Public Health Department, is satisfied as to his competence.

(*b*) (*i*) No.

(*ii*) The fee charged is 2 *per cent.* on the cost of the work: the preparation of schemes by experts is in the long run economical.

Malaria in the Bankura district.

*51. **Babu SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the majority of the *thanas* in the district of Bankura in both the subdivisions have become very malarious;

(*ii*) that in some *thanas* there was no malaria only six years before;

(*iii*) that some of the villages near to the district town have been virtually deserted through deaths from malaria and through migration from fear;

(*iv*) that the proverbial poverty of the people has been aggravated by the prevailing depression of the agricultural produce; and

(*v*) that most of the patients could not secure medical help or purchase medicine?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government have taken or are contemplating to take—

(*i*) to prevent the spread of malaria and check its ruinous increase; and

(*ii*) to render possible medical aid to the poor patients?

Mr. H. P. V. TOWNEND: (*a*) (*i*) They have become malarious.

(*ii*) No.

(*iii*) No such case is known.

(*iv*) The low price of paddy has adversely affected the cultivators.

(*v*) No.

(*b*) (*i*) and (*ii*) Government assist the district board in accordance with their established policy.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Secretary be pleased to state what he means by the answer "No" given in reply to my question (*a*) (*ii*)—Does he mean that there were no places or *thanas* where there was no malaria only 6 years ago?

Mr. H. P. V. TOWNEND: The records show that there was malaria in certain *thanas* 6 years ago. I may add that this information has been furnished by the Director of Public Health.

Babu SATYA KINKAR SAHANA: Is it a fact that the *thanas* Chatna, Raipur, etc., were free from malaria 6 years ago? Is it not also a fact that even half of the *thana* of Bankura was entirely free from malaria?

Mr. H. P. V. TOWNEND: If the hon'ble member would take the trouble to come and examine the statistics on the subject, as furnished by the Director of Public Health, I think he would be convinced of his error.

Maulvi SYED MAJID BAKSH: With reference to answer (*b*), (*i*) and (*ii*), will the Hon'ble Secretary be pleased to state what sort of assistance is rendered—is it monetary assistance or otherwise?

Mr. H. P. V. TOWNEND: The assistance given takes mainly the form of grant of quinine, and Government makes grants for dispensaries, if they fulfil certain conditions.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Secretary be pleased to state what distinction there is between "very malarious" and "malarious"?

Mr. H. P. V. TOWNEND: I am afraid I cannot answer that question.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Secretary be pleased to state whether any special grant is given to the district board for combating malaria, say, the distribution of quinine to anti-malarial societies?

Mr. H. P. V. TOWNEND: Certain grants are made through the district board for distribution to union boards and anti-malarial societies, but I do not think any direct grant is given to the district board.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Secretary be pleased to state whether in this particular case of Bankura, any grant was given to the district board for the purpose of combating malaria?

Mr. H. P. V. TOWNEND: I am not aware of any.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Secretary be pleased to consult his papers whether any grant was given?

Mr. H. P. V. TOWNEND: I should like to have notice of this question.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Secretary be pleased to state, with reference to answer No. (*a*) (*iii*), that the villages of Bhaduli, Bhutshahar, Sanbanda and others were deserted after the *Pujas* and that those villages are within a mile and a half of the Bankura Municipality.

Mr. H. P. V. TOWNEND: I have no information.

Realisation of revenue from certain non-existent estates in the Bankura district.

*52. **Babu SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the Settlement Officer failed during the last district settlement, to find out any lands which certain estates in the Bankura district might be comprised of?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the number of such estates in the said district for which revenue is realized?

(*c*) What is the method of realizing revenue for those physically non-existent estates from the persons in whose names they have been recorded?

(*d*) Have the Government received protests from the persons concerned?

(*e*) Do the Government intend removing the anomaly?

(*f*) Is it the intention of the Government to assess the said estates for Road and Public Works cesses under the Cess Act?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*) The information is not readily available.

(*c*) If the parties do not elect to go on paying, as some prefer to do, the liability is ordinarily extinguished by a formal process of sale and transfer to Government.

(*d*) No.

(*e*) In view of rules 25 and 26 of the Bengal Tauzi Manual, 1918, there is no anomaly and so the question does not arise.

(*f*) No.

Babu SATYA KINKAR SAHANA: With reference to answer (*c*), is the Hon'ble Member aware of the fact that parties who do not elect to go on paying are made to pay, not through the process of sale of non-existent *tauzis*, but by attachment of their immovable properties or other properties.

The Hon'ble Sir PROVASH CHUNDER MITTER: There is no such information, but I will inquire about it.

Water-works of the Rangpur union boards.

***53. Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether Government have contributed any sum towards the water-works of the union boards in Rangpur during the last three years?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the amount was placed at the disposal of the union boards to be spent under their supervision;

(*ii*) whether the amount was kept by the officers of Government;

(*iii*) whether those Government officers employed contractors according to their discretion to sink wells according to their choice; and

(*iv*) whether the Government accorded their approval to the work being done by the officers themselves or by contractors employed by them?

(*c*) Are the Government considering the desirability of issuing orders—

(*i*) that Government contribution should henceforth be placed at the disposal of the union boards; and

(*ii*) that the amount be distributed upon a fixed principle?

(*d*) On what principle was the Government grant to the union boards in the Kurigram subdivision distributed during the last three years?

(*e*) Will the Hon'ble Minister be pleased to lay on the table a statement showing for the last three years the names of the union boards in the Kurigram subdivision, that received Government contribution and the amount of such contribution received by each?

Mr. H. P. V. TOWNEND: (*a*) A statement of the sums contributed towards such water-works is laid on the table.

(*b*) (*i*) Yes, under the general supervision of Circle Officers.

(*ii*) No.

(*iii*) No. When contractors were employed they were selected by the presidents of union boards in consultation with Circle Officers.

(*iv*) and (*c*) (*i*) Do not arise.

(*ii*) The guiding principle already laid down is that the grant should be spent usefully in localities where the need for improved water-supply is urgent: the test of urgency is, as a general rule, the willingness of the people in a locality to contribute, but the Commissioner is authorised to use his discretion in the interests of the poorest and most necessitous areas.

(*d*) On the principle explained above.

(*e*) A statement is laid on the table.

Statement referred to in the reply to starred question No. 53 (a).

			Rs.
1930-31	...	...	10,863*
1931-32	...	...	7,710
1932-33	...	...	7,430

*Including a special grant of Rs. 3,986-8-0 for repairs to damage to sources of water supply in police-station Rowmari.

Statement referred to in the reply to starred question No. 53 (e), showing the names of union boards in the Kurigram subdivision and the amount of Government contribution received by them during the last three years, viz., 1930-31, 1931-32 and 1932-33.

1930-31.

	Rs.
Kurigram union board in Kurigram police-station ...	250
Kashipur union board in Nageswari police-station ...	250
Holokhana union board in Kurigram police-station ...	250
Bazar union board in Ulipur police-station ...	250
Raniganj union board in Chilmari police-station ...	250
Boilmandiarkhata union board in Chilmari police-station ...	250
Ghuturkuthi Bharatchara in Bhurungamari police-station ...	230
Nijpara union board in Lalmonirhat police-station ...	200
Dhamagacha union board in Fulbari police-station ...	230
Total ...	2,160

1931-32.

Bhitarband union board in Nageswari police-station ...	100
Ram Khana union board in Nageswari police-station ...	125
Hasnabad union board in Nageswari police-station ...	100
Holokhana union board in Kurigram police-station ...	100
Kurigram union board in Kurigram police-station ..	225
Panchgachi union board in Kurigram police-station ...	125

	Rs.
Kurigram union board in Kurigram police-station ...	100
Kurigram town (West), Kurigram union board in Kurigram police-station ...	225
Mogalbacha union board in Kurigram police-station ...	75
Dhamaroni union board in Ulipur police-station ...	175
Raniganj union board in Chilmari police-station ...	175
Ramna union board in Chilmari police-station ...	175
Bhogdanga union board ...	100*
Total ...	1,800

*Sanctioned by the Divisional Commissioner out of his discretionary grant.

1932-33.

Holokhana union board in Kurigram police-station ...	100
Kurigram union board in Kurigram police-station ...	100
Dharanibari union board in Ulipur police-station ...	50
Ditto ...	50
Hatia union board in Ulipur police-station ...	80
Bazar union board in Ulipur police-station ...	50
Thotrai union board in Ulipur police-station ...	50
Kassipur union board in Nageswari police-station ...	300
Gagla union board in Nageswari police-station ...	115
Kurigram union board in Kurigram police-station ...	400
Ghogadaha union board in Kurigram police-station ...	100
Total ...	1,395

Kazi EMDADUL HOQUE: Will the Hon'ble Secretary be pleased to state whether he is in a position to deny that in the Kurigram subdivision of the Rangpur district the amount was not placed at the disposal of the union boards, but was retained by the Circle Officer?

Mr. H. P. V. TOWNEND: The information received by Government is as stated in the answer.

Kazi EMDADUL HOQUE: Why the union boards were compelled to consult Circle Officers at the time of employing the contractors?

Mr. H. P. V. TOWNEND: I presume that the reason was that the money might be properly spent.

Kazi EMDADUL HOQUE: Is Mr. Townend of opinion that if the amount was placed at the disposal of the union boards, it would have meant loss of Government money?

Mr. H. P. V. TOWNEND: Sir, I should like to have notice of the question.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

High Court Rule Committee.

26. Babu SUK LAL NAG: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether any Rule Committee, as contemplated by section 123 of the Code of Civil Procedure, 1908, has been constituted by the High Court of Judicature at Fort William in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) who are its members;

(*ii*) who is the President of the Committee;

(*iii*) who is the Secretary of this Committee; and

(*iv*) when was the Committee constituted?

(*c*) If there is no such Rule Committee, how are rules made by the said High Court regulating the procedure of the Civil Courts subordinate to it?

(*d*) Was any such Committee in existence when certain rules were framed by the High Court and published under notification No. 12421, dated the 25th August, 1927, and under notification No. 10428, dated the 25th July, 1928, in the *Calcutta Gazette*?

(*e*) If no such Committee is in existence, will the Hon'ble Member be pleased to state whether any is likely to be constituted soon?

(*f*) Are the Government considering the desirability of representing to the High Court the necessity for constituting this Statutory Committee without any delay?

The Hon'ble Mr. R. N. REID: (*a*) Yes.

(*b*) A statement is laid on the table.

(*c*), (*e*) and (*f*) Do not arise.

(*d*) Yes.

Statement referred to in the reply to unstarred question No. 26 (b).

(*i*) 1. The Hon'ble the Chief Justice.

2. The Hon'ble Mr. Justice Mukerji.

3. The Hon'ble Mr. Justice S. K. Ghose.

4. The Advocate-General of Bengal.

5. The Senior Government Pleader, High Court.

6. Mr. H. Carey Morgan, Solicitor to the Government of Bengal.

7. Mr. T. H. Ellis, I.C.S., District Judge, 24-Parganas.

(*ii*) The Hon'ble the Chief Justice.

(*iii*) Registrar, High Court, Appellate Side.

(*iv*) The Committee is appointed from year to year. The first Committee was appointed in 1909 and the present Committee has been constituted with effect from the 2nd January, 1934

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Waterways Bill, 1934.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Mr. President, Sir, I beg to move that after clause 5(*c*), the following be inserted, viz:—

"(*cc*) a member of the British Indian Association, Calcutta."

Sir, I am making a most moderate and reasonable demand. The persons who will be affected by the provisions of this Bill are the landlords, the producers, the carriers, and the traders. Provision has been made for the representation of the last three classes, while the landlords have been left in the cold shade of neglect. And in order to rectify this

omission, I have suggested that a member of the British Indian Association, Calcutta, should have a place on the Board. This Association is the premier Association not only in Calcutta but in Bengal. It is also a recognised body duly constituted. Sir, the reason why I have selected the British Indian Association, Calcutta, is that it would practically be very difficult—nay impossible—to hold an election for the purpose throughout Bengal. Unless a representative body be selected to send their representative as in the case with the Chamber of Commerce, etc., it will be an impracticable task. So, in order to minimize the difficulty, I have put forward this proposal. The British Indian Association, Calcutta, is representative of the landholding interests throughout Bengal, and it can be taken as a sort of electoral college and vested with the power to elect a member for the Board. I submit, Sir, that if my proposal is accepted, it would furnish the best solution of this thorny problem, viz., how to secure representation of the landlords of Bengal on the board.

With these few words, Sir, I commend my motion for the acceptance of the House.

Mr. SARAT KUMAR ROY: Sir, I rise to support the motion of the Raja Bahadur of Nashipur. The Bengal Waterways Board is altogether a new thing in this province. And it is going to be vested with very wide powers of control over the waterways of Bengal. It is therefore but proper that the constitution of this Board should be carefully laid down by the Legislature by giving it a representative character, it so eminently deserves; and that is also essential for securing a judicious discharge of its statutory functions. With this object in view, Sir, we have sought by this amendment to enlarge the Board but slightly, and I give you my reasons for doing so.

In the first place it is necessary to review the functions of the Board, as that will give us the light to understand what interests in the province will be affected by its operations and activities and hence require representation therein.

Sir, it is true that the rivers of Bengal constitute the outlet for a large part of the country produce. They are the means of water-supply and of the traffic in goods and passengers; hence, certainly it is desirable that these rivers and other outlets should be maintained and improved, for the interests of public health as well as for facilitating such traffic.

But, Sir, there is one thing very significant to note in this connection and it is this: The rivers of Bengal have altered their original course in innumerable instances in the past, and they may alter their courses again in future. And not infrequently it so happens that the present course of such rivers is now laid upon beds which are the properties of *zemindars* paying revenue therefor; so evidently they are suffering loss of

income on account of such physical transformation of their properties. Can it then be questioned that the proprietors of such riverbeds are not interested in any possible handling or development of such water-courses?

Sir, it may be said that such handling or development of water-courses will not affect the rights of proprietors to the riverbeds as such handling will be "for the purpose of navigation" only. But I do not clearly understand the force of such an argument.

Clauses 43 to 48 of the Bill provide for powers, the exercise of some of which at least will materially affect the proprietory interests of the *zemindars* or other persons owning permanent interest thereto.

Section 43(*a*) gives power to the Board to assume control and administration of all other channels than those covered by the Port Act or held by or under the control or management of the Government under the Bengal Irrigation Act, 1884; and under sub-section (*b*) (*11*) of section 43, it, I mean the "Board," "may clear, widen and deepen" such channels, as may come under its control. Here, Sir, suppose the bed of the river belongs, as is often the case, to a proprietor of a revenue-paying estate and he is paying revenue for the time being for the same. He is getting no agricultural income therefrom, but he expects the same to dry up in time so as to afford cultivation possible in the near future. Will he not be affected if the Board widens it or deepens it, rendering the silting up of the bed or its drying up still more remote, though he expected it soon to come about. Moreover, Sir, under sub-section (*c*) of the same section of the Bill, the Board may also "turn, divert or abandon or close up any channel." Such a diversion of the water-course may cut off the supply of water altogether from certain areas of lands and as a result of which the cultivation of crops and fishery rights may materially suffer.

Will not such activities materially affect the interests of the proprietors of such soils? And do they not deserve to be consulted in such activities of the Board? Is it therefore unreasonable to have their representatives on the Board, and discuss with them, the usefulness or otherwise of such changes of water-course?

Sir, it is clear that in many cases, waterways are essential for agricultural operations in Bengal as development of cultivation in agrarian areas depends more or less upon the supply of water from rivers, etc., unquestionably the proprietors of such agrarian areas have much to say in the handling of such water-courses and they ought to find adequate representation on the Board for that purpose.

But Sir, to my utter surprise, I find that in the constitution of this Board, as framed by the Bill, no provision has been made for representation of such proprietors.

Sir, I do not grudge the representation on the Board of interests such as those of the Indian mercantile community or of the Steamer Companies in Bengal. But I cannot refrain from pointing out to this House that they are interested only in the taxation involved in the administration of the Board. They are not interested in the soil underneath such waterways which constitute the field of the Board's activities; whereas the *zemindars* are interested therein, the importance of their representation is unquestionably greater than that of the tax-payers themselves, as the latter will be affected rather indirectly by the administration of the Board. And for such reasons as these, I urge that the numerical strength of the Board be enlarged and at least one seat be reserved for the representation of the proprietory interests of the agrarian areas.

Sir, the Board, as constituted by the Bill, consists of 12 trustees of whom 6, that is half, will represent public bodies, such as the Bengal Legislative Council, the district boards of Bengal and interests of the Indian mercantile community; and their respective strength will be same, *viz.*, 2; while 4 will be nominated by the Government and 2 will represent the European mercantile interests.

Sir, the proprietors of the soil in the province are the people whose proprietory interests, being connected with such channels, are likely to be seriously affected by the administration and control of the waterways. Their interests will be affected directly. But alas, Sir, they find no place in the management of the affairs of the Board. Their representatives will not be there. That is a clear injustice and denial of the fundamental principles of representative government.

Sir, it may be said that their representatives are in the public bodies such as the Bengal Legislative Council and the district boards. But that would mean an indirect representation only; and it may so happen that even such representation will not be possible in the practical field, as the person elected may not possess any landed interests at all.

This is unquestionably an injustice to the interests I have the honour to represent in this Council.

I, therefore, urge that the landholding community ought to find a place on the Board.

And, Sir, as the British Indian Association is representative of almost the entire landholding interests in Bengal the election of the landholders' representative may be left to them; and I therefore support the motion of the Raja Bahadur of Nashipur on this matter.

Sir, if however the House thinks it inadvisable to enlarge the Board for the purpose of accommodating representatives of the landholding community, I further suggest that the Government may be pleased to

amend sub-clause (*g*) of section 5 of the Bill by inserting the following words after the word "the Board," in line 5 of the sub-clause (*g*) "and one of whom shall be appointed to represent the interests of landholders, possessing property within such jurisdiction."

Sir, the reason for my making this suggestion is this: You have earmarked one seat for nomination from the representatives of the Steamer Companies. But they are indirectly concerned in the administration of the Board—their interest is limited, *viz.*, to the question of taxation; but the burden of the tax that will be realised through them will ultimately fall upon the people—the majority of whom are agriculturists. The Steamer Companies will be merely the agency of collection, and if the Government be pleased to think that it is necessary to earmark one seat for them, I fail to understand why the same thing should not be done with regard to the landholders. In all fairness to them, Sir, I submit that a similar provision should be made for the landholders as well.

I therefore hope that the Hon'ble Member and the House will agree with me and accept the motion of the Raja Bahadur of Nashipur.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, those of us who are neither landlords nor *raiyats*, and who were hesitant whether to support the amendment moved by the Raja Bahadur of Nashipur—at any rate I was one of them—have, after the speech which we have just heard, no hesitation whatsoever in opposing this motion. I might add that whatever doubts I have had have vanished like volant mists. If a representative of the landlord class can solemnly declare that they can block all progress—the representative of the landlords has said that not a single inch of land should be allowed to be encroached upon by the passing of this Bill—I have no option but to oppose such a preposterous proposal. I submit, Sir, that the last speech delivered is proof conclusive of the wisdom of Government in not having a landlord on the Board.

Mr. L. R. FAWCUS: Apart from the general aspect of the question of the representation of landholders on the Trust, there is a point made by Mr. Sarat Kumar Roy in the speech to which I would like to reply. Mr. Roy has said that permanently-settled lands assessed to revenue may be swallowed up by rivers changing their courses and that nevertheless the *zemindars* will have to pay their usual revenue, and he argues from this that landholders have a special interest in the beds and courses of rivers. Well, Sir, speaking from memory, I think by the operation of Act IX of 1847 any *zemindar* whose land diluviates can apply for remission of revenue in respect of that land and will cease to be responsible for its revenue which will be reassessed in the event of the reformation of the land.

The special claim therefore made on behalf of the landholders in this respect by Mr. Roy is not an entirely convincing one.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Mr. President, Sir, though I might have had some sympathy with the mover of this motion, but I find myself in some difficulty. The Board proposed is not one on which we have earmarked seats for particular communities and particular interests. Broadly speaking, the ideal we have in view is to have a Board where public interests—and not communal interests—are represented for the good of all, and with that end in view we have refrained from inserting any special provision in the Bill for securing the representation of the landholding class. Might I tell my landlord friends that they can come to the Board not through one door—as is proposed—but through three distinct and different doors—doors which are more than ajar. Now, I shall mention what these doors are. In clause 5(*d*), Sir, you will find that we have provided for two persons to be elected by such bodies as may be nominated from time to time by the Local Government as representing the interests of the Indian mercantile community. Certainly, Sir, in the body of the Indian mercantile community there are shining lights, belonging to the landholding class, who can easily be elected on the Board. Secondly, Sir, we have provided for two Indian members of the Bengal Legislative Council being put on the Board. Well, Sir, here, too, there is a very good chance of any landlord member of this Council being elected to the Board. Lastly, Sir, we have guarded against any accidental omission of proper persons being excluded from the Board; we have provided for Government nomination. I admit, however, that it is left to the discretion of Government whom to appoint—whether to appoint any member of the landholding community or not. But I have not the slightest doubt that Government will always bear in mind the just and legitimate claims of the landholding community. So, Sir, there are three open doors—not only ajar but wide open—for the inclusion of the representatives of any particular community.

There is another reason why I am opposing this amendment: it is that I have had requests from our good friends, the members of the depressed classes, to find a seat for their community on the Board. If I were to accede to the request of the depressed classes, I cannot in fairness turn a deaf ear to the importunities of other communities and sects—and there will be no end of it. One can easily visualize what would happen if this motion were accepted. And, accordingly, Sir, I have decided not to accede to all these requests.

Sir, I oppose the motion.

Raja Bahadur Bhupendra Narayan Sinha's motion was then put and lost.

Maulvi HASSAN ALI: Sir, I beg to move that for clause 5(*d*) the following be substituted, namely:—

"(*d*) one person to be elected by the Bengal National Chamber of Commerce and one person to be elected by the Bengal Moslem Chamber of Commerce."

Sir, it has been provided in clause 5(*d*) that two persons should be elected to represent the interests of the Indian mercantile community. I think it should be expressly stated in the provision who these bodies should be, and I believe that the interests of the Indian mercantile community would be best represented on the Board, if one person from each of these bodies, named in my motion be elected to the Board.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: Mr. President, Sir, here too I am in very great difficulty. I am afraid I am unable to listen to the proposal put forward by the member for the following reasons: We cannot possibly differentiate one particular chamber from many others that exist. The idea is that two persons should be elected by such bodies as may be nominated from time to time by the Local Government as representing the interests of the Indian mercantile community. If we are to earmark a place for the Bengal National Chamber of Commerce and a place for the Moslem Chamber of Commerce, we shall have to consider the claims of other bodies also. There is the Mahajan Sabha of which the young Rai Bahadur hailing from Dacca seems to be a self-constituted champion, and there are other bodies, *e.g.*, the Marwari Association and the Indian National Chamber of Commerce. So it has been decided that the matter should be left entirely to Government to decide which bodies should be called upon to elect a nominee on the board. Under the circumstances, I regret I have to oppose the motion.

The motion was then put and lost.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: Sir, I beg to move that in clause 5(*d*), line 1, for the words "two persons to be elected by" the words "two members of" be substituted.

The reason is obvious. Here the intention is that the persons to be elected should be members of the particular bodies and not any person from outside. I do not think it needs any further explanation.

Mr. NARENDRA KUMAR BASU: Sir, I submit that no reason has been given why these bodies should not have their franchise enlarged in the fashion which this Bill contemplates. By substituting the words proposed by the Nawab Bahadur you are going to limit

the choice of these bodies. I submit that without any reasons being vouchsafed to us I do not see why the recommendations of the Select Committee should not be accepted.

Mr. S. M. BOSE: Sir, I regret I do not understand what the Hon'ble Member means by this amendment. Does he mean that election is to go by the Board because he wants the words "to be elected by" to be omitted? It seems to me that he does not want these members to be elected, but may I draw his attention to clause 8(2) which says that these members are to be elected?

Mr. L. R. FAWCUS: If Mr. N. K. Basu means that the representatives of the bodies in question should not be themselves members of those bodies I think the obvious reply is that the members of these bodies will themselves have been chosen to represent the intrests of wide sections of the public and therefore selection from among such members will ensure proper representation of the interests concerned, and it will be unnecessary to go outside the membership of the bodies to obtain adequate representatives.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I am afraid I have to oppose the motion, if it is the intention of the Hon'ble Member that instead of two members to be elected, two members of such bodies are to be nominated by Government. This is not a mere drafting change as appeared at first from the speech of the Hon'ble Member, but it clearly wants to replace election by nomination, which is entirely a change of principle from that adopted by the Select Committee. Therefore, I oppose the motion.

Maulvi ABUL QUASEM: Sir, the language sought to be substituted is "two members of such bodies as may be nominated by Government." Will the bodies be nominated or the members be nominated? To my mind it refers to the bodies and not to the members. But the language used appears to leave the whole thing beautifully vague.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Sir, I am afraid it is a mistake. Apparently the words "two persons" to be elected were left out. Instead of "two members" we shall have to substitute "two persons." If you read clause 8 and the provision thereunder, you will find that it is quite clear.

Mr. NARENDRA KUMAR BASU: Then the amendment will have to be amended.

Mr. PRESIDENT: What is the object behind that sub-section? If you explain that, it will, perhaps, clear up the position.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: The object is that the persons to be elected must be members of those particular bodies and should not be outsiders. What was in the Bill is this—"two persons to be elected by such bodies as may be nominated by Government from time to time." The whole idea is that they must be members of those bodies. It refers to the bodies—the bodies are to be nominated.

Babu JATINDRA NATH BASU: Sir, the misunderstanding that has arisen may be cleared up if the attention of the members of this House is called to clause 8(2). There it is clearly laid down that the persons referred to in sub-clause (*d*) of clause 5 shall be elected. So the amendment moved by the hon'ble member appears to be quite in order and will not have the effect of preventing election of these two members.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: I too drew the attention of the House to that clause.

Mr. PRESIDENT: The question before the House——

Mr. NARENDRA KUMAR BASU: Order, order.

Mr. PRESIDENT: What is that Mr. Basu? Are you anxious to come to my place, or what? (Laughter.)

Mr. NARENDRA KUMAR BASU: No, Sir, I simply wanted to draw your attention that the leader of the House was moving about on the floor of the House when you were on your legs.

Mr. PRESIDENT: That is not your lookout. I will not tolerate any such interference.

The motion was then put and agreed to.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that in clause 5(*d*), line 1, for the word "two" the word "four" be substituted.

My reasons for moving this amendment is that I do not like to leave the matter of Indian merchants' representation at the hands of the Government as proposed in this clause. I think in an important matter like this the recognised mercantile associations who are most vitally concerned should be given permanent and definite representation. The Indian mercantile associations such as the Bengal Mahajan Sabha, the Bengal National Chamber of Commerce, the Marwari Association and the Muhammadan Chamber of Commerce are very much interested in the riverborne traffic. The members of the Bengal Mahajan Sabha have their trading centres mainly in the river districts of Bengal. The inauguration of this piece of legislation is sure to affect their trade. It is fit and proper that the Associations named above should have permanent and adequate representation on the proposed Trust. The Bill proposes that two persons shall be elected by such bodies as may be nominated from time to time by the Local Government as representing the interests of the Indian mercantile community. This is as indefinite as it is vague. The Local Government will determine which Association will be favoured with a representation. And again there is no certainty as to that representation. The Government shall give its nomination from time to time to the Associations which in their opinion may be suitable for the purpose. This nomination is a matter which we should evade by all means. I submit that no respectable Association will agree to subject itself to this sort of Government nomination. For these reasons I propose that four representatives should be taken in and the abovementioned important Mercantile Associations should be definitely included in the Bill.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: I strongly oppose the motion for this reason, namely, that I believe that it was the intention of the Expert Committee that there should not be more than six members constituting the Board. Now, that number was raised to nine and the Select Committee still further raised it to 12, and there is no reason why we should encumber the Board by any further addition of members. Furthermore, we all know that the young Rai Bahadur hailing from Dacca thinks himself to be a great champion of the Mahajan Sabha, but there are other *Sabhas* and Associations also which command, if not greater, at least an equal, influence as this *Sabha* does. It is not the intention of Government to give representation to every one of

these Associations. It would make an invidious distinction if particular institutions were named in the body of the Act. Therefore, it has been decided that it should be left to Government to nominate representatives to represent the Indian mercantile community.

The motion was put and lost.

Babu AMULYADHAN RAY: I beg to move that for clause 5(*c*) the following be substituted, namely:—

"(*c*) three members of the Bengal Legislative Council of whom one shall be a Moslem, one a non-Moslem and one from the scheduled castes."

Sir, I shall not take much of your time. I am quite sure that whatever line of argument I take—whatever amount of argument I advance—it will not be convincing to the Hon'ble Alhadj Nawab Bahadur. However, he should remember that I am not claiming on behalf of a microscopic community as the Raja Bahadur of Nashipur did, but I am claiming on behalf of half of the entire Hindu population and 90 *per cent.* of them are agriculturists. They are interested in the river system and waterways of Bengal more than the Hon'ble Member. They are interested for their bread and life and existence and the Hon'ble Member is interested for his pleasure. Therefore, I am quite right in claiming that one seat should be given to the scheduled caste; and I hope that I shall have sympathetic reply and at the same time he will agree to have one seat reserved for the scheduled castes. He has provided for the Bengal Chamber of Commerce and for the Chairman of the Port Commissioners, but he is totally neglecting those who are the producers of the country. I will not take more time of the Council, but I hope the Hon'ble Member will be kind enough to see his way to have a representative of the scheduled castes on the Board.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: I have very great sympathy with the aspirations of those who are called sometimes depressed and sometimes oppressed, but who are now labelled the scheduled castes. I have every sympathy, particularly as, professing the Islamic faith we look upon all God's creatures as brethren. I have great sympathy for the aspirations of Mr. Amulyadhan Ray to have a particular seat earmarked for his community, but the difficulty which I explained to the House just a little while ago arises in connection with this request also, because it tends to increase the bulk of the Trust and on principle it is necessary not to increase the bulk, but to keep it as small as possible; so on this ground I am very sorry I am unable to accept the amendment.

The motion was, by leave of the House, withdrawn.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: I beg to move that for clause 5 (*e*), the following sub-clause be substituted namely:—

"(*e*) two members of the Bengal Legislative Council."

In making this motion I wish to be clearly understood that my one desire is not to introduce anything of the kind known as communal or racial provision in the body of the Act. While this question was discussed at some length by the Select Committee and while the Select Committee pointed out that possibly the addition of the word "Indian" would make no difference, inasmuch as a non-Indian member of the Council will have to get the support either of the Moslem wing or of the non-Moslem wing of the House in order to be elected to the Board, there was no necessity to delete that word. But the very fact of the presence of that word in the body of the Act makes it look racial, and I would be the last person to introduce anything in the Act which would give the suggestion that some racial or communal discrimination were intended to be made. After all, is it not the intention of all of us that in time to come Bengal should be united as one nation and that those who have come to Bengal and live in Bengal and those who look upon Bengal as their land of adoption should also fall in with this idea? In future years there will be no such question as communal or racial, and as such I beg to move that those words be inserted instead of the words that are there.

Mr. PRESIDENT: We should have one discussion on motion from No. 48 right up to No. 52.

Mr. NARENDRA KUMAR BASU: I beg to move that for clause 5(*e*) the following be substituted, namely:—

"(*e*) two Indian members of the Bengal Legislative Council."

Sir, when I read the note of dissent by the Hon'ble Member to the Report of the Select Committee on this, I confess I rubbed my eyes with surprise. The Hon'ble Member began his note of dissent by saying that the clause appeared to be undesirable on the ground that statutory racial discrimination was objectionable in a matter governing an election by the members of the Legislative Council. He has been pleased to amplify that to-day on the floor of the House by saying that not only racial but communal discrimination should not be put into any measure of this description. Sir, is it not like satan reproving sin? If you look at his own Bill as drafted, what do we find? The words originally drafted by him were: "one non-Moslem and one Moslem member of the Bengal Legislative Council." That was the original draft of the Hon'ble Member, but that is neither racial nor communal discrimination, now says the Hon'ble Member; and

because the Select Committee in order to make it clear said that there ought to be two Indian members of the Bengal Legislative Council, the Hon'ble Member now says—I suppose his conscience pricks him —that here is racial or communal discrimination, and therefore he wants simply two members of the Legislative Council. Having told the House yesterday that the Select Committee in order to placate the deputation from the Bengal Chamber of Commerce, by a majority gave up the idea of the Expert Committee that the Inland Steamer Companies should not have a seat on the Board, he is probably now trying to further placate the Bengal Chamber of Commerce. He seems to think that if the word "Indian" is deleted for the two seats given to the Bengal Legislative Council, there may be two or three candidates from the Indian section of the House, whether Moslem or non-Moslem, and European candidates with the solid help of the Government could get in. If that is his idea, it should be nipped in the bud by this Council. We have in this Bill enough of European representation and more, and my submission is that so far as the representatives of the Bengal Legislative Council are concerned, they should and ought to be Indians. I therefore commend my motion to the acceptance of the House.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I beg to support the motion put forward by my friend Mr. Basu. I am surprised to find that in this purely non-political piece of legislation introduced for the benefit of the people of Bengal the ghost of communalism has somehow crept in. Sir, at the outset I must submit that I have not the least objection if both the seats are filled in by two Moslems or Hindu or Christian members of the House. My idea is that two best men should go in, irrespective of their caste, colour or creed. But the proposed clause has taken my breath away. Where is the necessity for reserving a seat for my Moslem brothers? As for the prospect of this election—there is hardly any doubt that in the future Legislative Council of Bengal the Moslems, being in a majority, will be able to secure both the seats if they like to do so, depriving the others. In spite of that, I sincerely wish that we should not allow this beneficial piece of legislation to be a communal one. We want that the Bengal Legislative Council should be represented by two Indian members—members who represent the people of Bengal.

Maulvi ABUL QUASEM: Sir, may I point out one thing in connection with my amendment? My amendment relates only to the spelling of the word "Moslem" and "non-Moslem." It is not a substantial amendment; if the word "Moslem" is allowed to remain in this clause, then only my amendment will come up, otherwise perhaps I shall not be required to move this amendment.

Mr. PRESIDENT: Order, order. It is not for me to give you an assurance like that. An amendment, however, may be directed as much against any provision of a Bill, as on any word employed therein. Since I have not disallowed your amendment on the ground that it is frivolous you may move it as it stands on the paper.

Maulvi ABUL QUASEM: I beg to move that in clause 5 (*e*), lines 2 and 3, for the words "Moslem" and "non-Moslem," the words "Muslim" and "non-Muslim" be respectively substituted.

Sir, the terms "Mahomedan" and "Mussalman" (both being variously spelt) have for long been wrongly used. The term "Mahamedan" is non-Islamic. Government, Sir, is now on the right lines in using the word "Moslem" instead of "Mahomedan" and "Mussalman". The word "Mussalman" is a clumsy word and the proper spelling of the correct word is "Muslim" and not "Moslem". This is an Arabic word, and if an authority were needed, I would refer to Sir Roland Knyvet Wilson's Digest of Anglo-Muhammadan Law as revised and brought up to date by Mr. A. Yusuf Ali, C.B.E., M.A., L.L.M. (CANTAB), F.R.S.L. With your permission, Sir, I would read out an extract from the Preface to the Sixth Edition:—

.....The Wakf Acts of 1913 and 1923 have rightly discarded the incorrect adjective in 'Muhammadan' Law. Unfortunately they have adopted the adjective 'Mussulman' in speaking of *wakfs*. It is a pity that statutory authority has been given to a word both misspelt and clumsy. Mussalmans of India are now using the correct word "Muslim" more and more, and it is also coming into use in official phraseology."

I suggest by my amendment that the correct word and the correct spelling should be used.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: It would save the time of the House, Sir, if I state that I am prepared to accept the spelling as corrected by Maulvi Abul Quasem. I do not mind at all if it is spelt with an "o" or an "u." It is an Arabic word.

Mr. PRESIDENT: Do you accept the amendment?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: I stick to the amendment I moved, replacing the word "two members of the Bengal Legislative Council" as given in amendment No. 47.

Mr. PRESIDENT: But you have accepted Maulvi Abul Quasem's spelling. So, I suggest that Maulvi Abul Quasem may withdraw his

amendment and depend on the Hon'ble Member in charge of the Bill to see that the word mentioned by him is spelt as suggested in his amendment.

After that assurance, the motion of Maulvi Abul Quasem was, by leave of the Council, withdrawn.

Mr. P. BANERJI: I rise to support Mr. Narendra Kumar Basu, and to oppose the Hon'ble Member. It has been rightly pointed out that already there are too many European members, and by amending and taking away the word "Indian" he will rather shut the door to any Indian member going in as has been suggested by Mr. Narendra Kumar Basu, because the Europeans are already represented by the Bengal Chamber of Commerce, the Chairman of the Board, who will naturally be appointed by Government, will be a European, the Chairman of the Port Commissioners will be a European, and the three persons interested in the river transport will also be Europeans. So there is no knowing whether the other two members nominated will also be Europeans. Therefore, in fact, out of these 12 members two members will only remain to represent the Indian mercantile community, and of these two members of the Indian community, as has been originally suggested, these two members ought to be Indian members of the Bengal Legislative Council. Of course, personally, I am quite in agreement with the Hon'ble Member so far as Muslims and non-Muslims are concerned. I would therefore request the Hon'ble Member if he would agree to accept this and not to press his amendment. He would suggest that a division of one shall be Muslim and the other non-Muslim, but two shall be Indian members, of the Legislative Council. I think that will serve his purpose. The Hon'ble Member now wants to amend his original Bill and have two members only. I would ask him not to press this amendment, but to accept our amendment and to have two Indian members of the Bengal Legislative Council as it stands in the Report of the Select Committee.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: May I keep this question open till after tea?

Mr. PRESIDENT: Very well, I shall then proceed with the other amendments.

Maulvi HASSAN ALI: I beg to move that for clause 5 (*f*) the following be substituted, namely:—

"(*f*) five representatives of the district boards to be elected by rotation from each district."

Sir, in this Bill we have got district schemes; what I have been able to understand by this means measures shall be taken by the

districts so that the navigation of the districts will be improved. If it is so, then the interests of the district should be much more represented than is provided for in the Bill. Only two members of the district boards have been proposed to be taken in on the board. I think that the representation of the districts is too meagre and almost nothing. I therefore propose that instead of two there should be five representatives from the district boards in the Board of Trustees.

Kazi EMDADUL HOQUE: I rise to support the motion of Maulvi Hassan Ali. Mr. Hassan Ali is satisfied only with a representation of five representatives of the district boards on the Board of Waterways, but I wish it with the qualification mentioned in the amendment, Sir, it may be possible, by certain arrangement, to have some of the district boards prevented from sending their representatives to the Board. So I think that if the representatives be elected by rotation, each of the district boards will be in a position to send a representative to the Board, everyone of the district boards will have at least a chance however remote to send their representatives if this arrangement of rotation is resorted to. With this view I support this amendment.

Rai Bahadur SATYENDRA KUMAR DAS: I rise in support of the amendment of Maulvi Hassan Ali. These five representatives will be taken from the district boards. There are some 25 or 26 district boards in Bengal, and these boards are most vitally concerned in this Bill. In my opinion, the proposed representation is too inadequate, and it should be at least five, so that each division in Bengal can represent one. Supposing there is an item before the Trust concerning any particular district or division, but if there be nobody on the Trust to represent that particular division, the matter cannot be satisfactorily decided. There is also another reason why a local member should have his say. I submit that the working of each district or division has its own peculiarity, and it is quite meet and proper that a member from each division who is conversant with the requirements of each division should be represented in the Trust.

With these words I support this motion.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: I rise to oppose this motion. I fail to see what advantage there will be in having representatives from each division as proposed. In the first place it will considerably increase the numbers of the Trust, as I have already stated time after time. At the same time the idea of representation from each district will serve no useful purpose and some districts, so far as I can see, are not so

interested in navigation. There is no point in increasing the number. In the first place I object to increasing the number and in the next place I would also object to election by rotation.

Khan Bahadur Maulvi AZIZUL HAQUE: At this stage may I rise on a point of procedure? We are now considering amendments Nos. 56-58 in which it is stated that five representatives of the district boards should be elected by rotation from each district. Even if this motion is voted upon and lost, I take it that amendments Nos. 60-63 which suggest the same number but do not lay down any procedure will remain.

Mr. PRESIDENT: I would request the House to bear in mind that if this particular motion is thrown out by them, Khan Bahadur Maulvi Azizul Haque's motion will remain for the simple reason that it does not advocate the same procedure which the other motion seeks to adopt.

Maulvi Hassan Ali's motion was then put and lost.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: Sir, I beg to move that in clause 5 (*f*) for the words "two representatives" the words "two members" be substituted.

I quite sympathise with the feelings of my friend Mr. N. K. Basu who seems to apprehend that by restricting the membership to members of district boards, unhealthy rivalries will be created. At one time I was also of the same opinion, but now I am quite certain that we should stick to one principle right through. It is no use turning district boards into electoral colleges in order that someone outside the districts of Bengal may be elected. In the ranks of the district boards there are many distinguished and respected persons who may be found to represent the district boards. I have given this matter very careful consideration, and I think I should move this amendment in order to keep in conformity with other similar amendments that have been moved, because it is necessary that persons representing the district boards should be members of those boards and that principle has permeated the Bill right through. On this ground I beg to move my motion.

Mr. PRESIDENT: I would ask the Hon'ble Member to clear up one point. I understand that he wants to replace the word "representatives" by the word "members." Is it necessary in that case to retain the word "two"?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: Yes, Sir.

Mr. PRESIDENT: Then what will be the fate of Khan Bahadur Maulvi Azizul Haque's motion and other motions which propose to increase the number. Here it is proposed that there should be two members of district boards. Why not leave out the number two for the purpose of this amendment?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Very well, Sir, I do not mind.

Khan Bahadur Maulvi AZIZUL HAQUE: I very much regret that a decision which was arrived at in the Select Committee is being abandoned by Government at this stage, and the justification for this is said to be the acceptance of an uniform principle throughout the constitution of the Board. Surely, Sir, the circumstances relating to each factor which will elect the different bodies have also to be taken into consideration, and I do not see why Government is so insistent that, as a matter of fact, the representatives of the district boards must be members of those boards. Sir, I put a concrete case. Am I to take it that the district boards' discretion should be fettered if they want to elect an outsider, a man say with transport knowledge? Is it necessary that he must be a member of the district board? If this Trust is to be really effective, then I submit that the best men should be elected to it. Suppose, Sir, the District Board of Comilla finds it difficult to send a suitable man from that body. Yet in that district a gentleman may be available who is thoroughly acquainted with the subject, who is a distinguished economist and who has studied the problem of navigation thoroughly. Am I to understand that that man is to be debarred from being elected simply because he does not happen to be a member of the district board? There was very good reason why the Select Committee decided to put the word "representatives" instead of the word "members." They deliberately adopted this after very careful consideration. In the coming constitution which has been visualised there are many bodies where members outside those bodies will be eligible for election. Why should not that discretion be given to district boards also? Ordinarily members of district boards will come, but it is quite possible that the services of an eminent man may be needed on the Board to put his expert knowledge before it. After all, all wisdom and knowledge of things are neither confined to this House nor to a particular body, and I think a certain amount of fluidity should always remain in the constitution. With that view I strongly oppose the motion and also on the ground that while ordinarily it will mean that members of district boards will be elected, in exceptional cases it will give a district board an opportunity to elect suitable outsider.

Mr. NARENDRA KUMAR BASU: I also beg to oppose this amendment. It seems to me that the Hon'ble Member is at the present moment obsessed with the fetish of uniformity, but unfortunately his own clauses are not uniform. For instance, the only place where a representative is allowed is in the case of the Chairman of the Port Commissioners. The Bill says that the Chairman of the Port Commissioners or a person appointed under section 7 shall be a trustee. And in section 7, the language is "the Chairman of the Port Commissioners shall be a trustee *ex-officio*. With the consent of the Port Commissioners, he may appoint another person to perform his duties as a trustee." It is not stated that he must be a Port Commissioner. Therefore, I submit that this so-called struggle for uniformity by the Hon'ble Member is rather fruitless and belated. And, Sir, as has been pointed out, it is natural to expect that when district boards sit down together to elect representatives on the Trust, they will elect from amongst their own members. But supposing by the rules made for these elections the district boards of, say, the Chittagong Division, sit down together to elect a member on the Waterways Trust, the members of those boards might say that they were not experts in this matter nor were they willing to undergo the expense of coming to Calcutta for the meetings of the Board, but that they had in Khan Bahadur M. A. Momin, who is a representative from one of the districts in that division to the Legislative Council, a man in whom they put their trust and so they would like to have him on the Board. Why should the Hon'ble Member put a spoke in the wheel for the Khan Bahadur to be elected? Why should you curtail the rights of the district boards to go beyond their own body in order to elect a representative on this Board?

Mr. L. R. FAWCUS: Sir, I am authorised by the Hon'ble Member in charge of the Bill to say that in view of the arguments put forward he is prepared to withdraw his amendment.

The motion was then, by leave of the Council, withdrawn.

Maulvi ABUL QUASEM: Sir, I beg to move that in clause 5(*f*), for the word "two" the word "five" be substituted.

I realise, Sir, it is nothing but a stroke of temerity on my part, in view of the ban which the Hon'ble Member has put on the figure 5, to move this amendment. But I feel that I owe it to myself and the people for whom I happen to speak here that I should move this amendment. Sir, in the proposed Waterways Board if any people who are more interested than anybody else it is the rural people of Bengal. In the district boards the rural people are represented. Now, Sir, out

of 12 members of the Waterways Board only two representatives of the district boards are going to be taken. As already stated by many members, this number is too small and inadequate to represent the views of 26 district boards in Bengal. Sir, it has been said that the Waterways Board should not be made unwieldy. If the number be raised to 15, I submit it will not be unwieldy, and in view of the wide interests involved, 5 representatives from 26 district boards of Bengal should not be considered to be too large a number. Under section 89 of the Bengal Local Self-Government Act, 1885, all streams, channels and water-courses are under the control and administration of the district boards for the purposes of that Act. So, Sir, the district boards are in immediate charge and control of all water-courses and channels of the districts which the proposed Board will deal with. It is but fitting, nay, it is essential, that the district boards should be represented adequately on this Board in order to deal properly and satisfactorily with these water-courses and channels. Sir, there is another aspect of the matter which should be carefully attended to. There are 5 divisions in Bengal. If you have 5 representatives of district boards, then each division every 3 years may have a chance of returning 1 member from the district boards within that division. That is, therefore, the lowest convenient number and should recommend itself. The representatives of district boards will bring local knowledge and the wishes and needs of the local people to bear upon the deliberations of the Waterways Board, and it is therefore essential that instead of 2 the number should at least be 5, in order that the influence of those representatives may be appreciable.

(The Council was then adjourned for 15 minutes for prayer.)

(After adjournment.)

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, my motion has been moved already and all that is necessary for me is to formally move it and give support to the proposal that the number of representatives should not be 2 but 5. You will find in the constitution that there is provision for 12 trustees. There is a Chairman, the Chairman of the Port Commissioners, a member of the Bengal Chamber of Commerce, 2 members representing other commercial interests, 2 members of the Bengal Legislative Council and 3 persons to be nominated by the Local Government. That means to say that the rest is only 2 representatives of the district boards. I request the Hon'ble Member to kindly consider in the light of the very principle which has been enunciated as to whether for the people in whose interests this Board will be constituted, that is the people of the *mufassal*, the constitution should provide only 2 members and not more. Unfortunately, as I said yesterday, we

find that the interests of the *mufassal* have not been so much safeguarded, and as the constitution stands, it is quite possible that ordinarily the interests of particular tracts of Bengal will be altogether forgotten. The Expert Committee, which recommended this, says that the Bengal situation is such that you can broadly divide it for irrigation and navigation purposes into several tracts. There is the tract of eastern waters, the tract of Northern Bengal, Central Bengal and Western Bengal. Each has got a peculiar features of its own, and the problem in each area has to be tackled from particular points of views. How would it be possible for 2 representatives to deal with the situation adequately and to have local knowledge of the different tracts? It is exactly for that that I feel that it is desirable that the constitution should provide to give representation fairly and on the basis of different divisions in this Presidency. I do not know whether it is accident or deliberate, but the fact that Bengal has been divided into 5 divisions has got a definite meaning behind it. We find the character of the country, the nature of the soil, the nature of productivity, rainfall, flood—all these vary from division to division. The Presidency, Burdwan, Dacca, Rajshahi, and Chittagong Divisions —each has got a definite characteristic of its own, and it is desirable that all interests should be brought in with a view to provide local knowledge in all these if at all it is considered that it should be.

I have another proposal before the House which is embodied in amendment No. 76, and that is that 2 representatives of the District Committees as constituted under section 49A of the Act should be included in the Board. If Government agree to accept my amendment No. 76, it is possible that 2 representatives of district boards will be sufficient, but if they consider that the representatives of the District Committees which are for all practical purposes representative of the *mufassal* interests should not be added to the Board, then I think the district boards should have 5 representatives to represent rural interests. Rural interests have been sacrificed and we do not grudge it, but now the time has come for remedial measures, and indeed when remedial measures are being taken, it is really cruel to deprive the rural interests of their proper representation. It may be said that though there will be 2 members only, the rural interests will be safeguarded by them. Humanly speaking, I may say that that is impossible. After all, these 2 representatives will be more familiar with their own areas than other areas, and I do not think it will be ordinarily possible to find such a man as will be able to represent the different tracts of the country. For these reasons I think if the interests of navigation of the whole province are to be looked after, then there ought to be 5 members from the 5 divisions. I do admit that there are certain tracts where navigation interests do not require to be much looked after. It would be better to exclude them. I give a concrete case. Frankly speaking,

West Bengal districts have very little navigation interests, except in Calcutta and near about, and it may be that these 2 representatives of district boards will come either from Burdwan or Presidency Division. In that case would not the interests of the districts of East Bengal suffer? It is possible that being near Calcutta, the Presidency and Burdwan Divisions will be able to send their representatives on the Board. That being so, I think this amendment should be accepted by Government on the ground that all the different interests should be properly represented.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I do not understand what the idea was in putting these 2 representatives of the district boards. Was it a solemn joke? I could quite understand that as the Waterways Board is going to affect the *mufassal* areas, the district boards ought to be represented on it. If it is going to be represented, it ought to have proper representation. Whom are these 2 representatives of district boards going to represent? Two representatives for the whole of Bengal would represent nobody. Properly speaking, there ought to be a representative from each district board. If you cannot have it, the least that you can have is to have 1 representative from each division. It may be that a man from Dacca, if elected to the Board can to some extent represent the district of Mymensingh, but surely a man from Burdwan cannot possibly do so, nor can a man from Tippera represent the districts in the Presidency Division. So, if it is going to be anything like a representation of the district boards, the number 2 is absurd. It is a cruel joke. The least that can be done is to agree to have 5 representatives.

Maulvi Abdul Hamid Shah addressed the Council in Bengali in support of the motion.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: Mr. President, Sir, I should like to draw the attention of the members of this House to what was stated in connection with the representation of local opinion on the Board. The Hopkyns Committee fully recognised the importance of securing the representation of local opinion on the Board and they said that the need for securing local opinion on the Board can best be met by temporary association with the Board of the representatives of local areas. They say:—

"During the course of our tours we have met with a universal demand for the direct representation of districts on the Board. A

Board containing representatives from all districts interested in waterways would, however, be extremely unwieldy, especially if representatives of other interests were to be added. We, therefore, put forward in the course of our discussions with district boards and others the suggestion that District Committees should be formed; these should have a statutory right to be consulted on any new scheme affecting the internal communications of the district and to send a representative to be present when the scheme came up before the Board to take part in the discussion and to vote as a member of the Board on the question whether or not the scheme be approved. The suggestion was generally welcomed as a fair solution of the problem of giving direct local representation without burdening the Board with an excessive number of members; and we have no hesitation in recommending that it be accepted."

Well, Sir, that was the view of the Expert Committee—a view which they adopted after discussing this question on the spot during the course of their tours with the various members of the district boards throughout the province. In addition to that, in order to give the district boards further representations, it has been decided to include 2 more members of the district boards to represent the Boards directly on the Waterways Trust. I, therefore, consider that the claim of associating the people of the *mufassal* with the work of the Board has been fully met.

Along with the above the Expert Committee further enunciated the principle, and on which I have already laid great stress, namely, that for all practical purposes it will not be wise if we were to overburden the Board making it too bulky and unworkable. As has already been pointed out by me, the number has steadily been increased from 6 to 9 and again to 12, so I do not think that we should increase the number any more. It has been said by Dr. Sen Gupta, and I think he has put it fairly—why not have representatives from every district? I can understand that, but to say that the particular number 5 should secure all the representation necessary is, I think, a statement which I am afraid I am unable to accept. The idea of 2 members will be better appreciated and understood when I point out that there will be 1 member to represent Eastern Bengal and the other Western Bengal; that probably will meet the situation. (KHAN BAHADUR MAULVI AZIZUL HAQUE: "What about Northern Bengal?") I may tell you that so far as we know there have been always the two recognised divisions of Eastern and Western Bengal. Anyhow, I am afraid I am unable to accept this motion, and I am not convinced of the gravity of the arguments put forward; but I do not think that what I have said in reply to those arguments is more weighty than those which I have had the privilege to hear from different members of the House who have spoken on this motion. I, therefore, oppose the motion.

The motion that in clause 5(*f*), for the word "two" the word "five" be substituted being put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Bal, Rai Sahib Sarat Chandra.
Banerji, Mr. P.
Barman, Babu Prem Hari.
Basiruddin, Khan Sahib Maulvi Mohammed.
Bose, Mr. Khirodra Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Maulvi Abdul Ghani.
Faziullah, Maulvi Mohammad.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Maiti, Mr. R.
Momin, Khan Bahadur Mohammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Quasem, Maulvi Abul.
Rahman, Mr. A. F. M. Abdur-.
Rahman, Maulvi Azizur.
Ray, Babu Amulyadhan.
Rout, Babu Hoseni.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Abul, Nawabzada Khwaja Mohammad, Khan Bahadur.
Ashworth, Mr. C. G.
Banerji, Rai Bahadur Saileindra Nath.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Birkmyre, Mr. H.
Bottomley, Mr. J. M.
Burn, Mr. H. N.
Chaudhuri, Dr. Jogendra Chandra.
Cohen, Mr. R. J.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Edgley, Mr. H. G. A.
Ghuznavi, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gauntlett, Mr. L. R.
Ghaznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdurrahim, of Dildwar.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Goenka, Rai Bahadur Sir Badridas.
Gohh, Mr. P. W.
Hagg, Mr. G. F.
Hooper, Mr. G. G.
Hussain, Maulvi Latafat.
Khan, Mr. Nazar Rahman.
Law, Mr. Surendra Nath.
Martin, Mr. G. M.
Mason, Mr. G. A.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Mittra, Babu Sarat Chandra.
Nag, Reverend B. A.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Raheem, Mr. A.
Rai Mahasai, Manindra Deb.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. S. N.
Roy Chowdhuri, Babu Nem Chandra.
Sadaatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarkar, Rai Bahadur Rohini Mohan.
Sen, Mr. B. C.
Steven, Mr. J. W. R.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. W. A. M.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The "Ayes" being 30 and "Noes" 58, the motion was lost.

Maulvi SYED MAJID BAKSH: I beg to move that in clause 5 (*f*) for the word "two" the word "three" be substituted.

I hope that the Hon'ble Member will at least make some concession for us. We feel very much about the strength of the district boards.

If he has given us two, it will not be much to ask for three. Since he is not willing to give us five, let us have a compromise, a *viâ media*, and let us have three.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: If I may say so, if any member of this House deserves a concession it is Maulvi Majid Baksh on this occasion, on account of the speech he made yesterday, a very sensible speech. But at the same time I have to stick to the principle of not making this Board too bulky, and as such I cannot accede to his request. I oppose the amendment.

The motion was put and lost.

Mr. NARENDRA KUMAR BASU: I think the next amendment has failed, because it is consequential on 58.

Mr. PRESIDENT: No, the amendment proposes the procedure to be adopted. That question was not finally decided.

Kazi EMDADUL HOQUE: I beg to move that to clause 5 (*f*) the words "to be elected by rotation be added."

It may be possible, Sir, by certain arrangement some of the district boards may be kept out to send out their representative to the Waterways Board. I think it will be very desirable in the interests of the public that each district board should have a chance of sending their representative to the Waterways Board at least once in their life.

Dr. NARESH CHANDRA SEN GUPTA: There is a difficulty in this motion, inasmuch as it does not specify the way in which the rotation is to be made. I suppose the idea of the mover is that each district board should come up to the Board by rotation, but at what intervals? A month or a week? Nevertheless, I support this principle of rotation in order that all the district boards may come in and possibly by rules or otherwise it may be possible to find out a way by which each should have a chance at short intervals. The Hon'ble Member in speaking on the last amendment said that the last word on this had been said by the Expert Committee who had gone to the different districts and held conferences with people. But we regret, we fail to appreciate their conclusions, because of their economy in words in assigning the reasons for their conclusions. We are unfortunately not been blessed with official logic, and we fail to find any justification for their conclusions. The Hon'ble Member has in the Bill provided for district members being associated with district schemes, but that is not ample protection for the interests of the district boards. I cannot conceive that the Hon'ble Member is so oblivious of what he is doing, that

he has failed to serve the interests of the district boards. This Board is not merely to deal with district schemes when formulated, but to decide first of all whether it is going to take up a scheme which will deal with Barisal, or one dealing with Khulna or Jessore, and in this competition where do the district members come in? We know, it appears even in the Report of the Expert Committee which is the modern Bible of the Hon'ble Member, how the district boards have been neglected in the past by the Irrigation Department. So far as Northern Bengal is concerned it is a nonentity for the Irrigation Department; so far as Chittagong Division is concerned, it is the same history; not to speak of other districts, and don't we know that the presence of a member of a district board on a body helps in the distribution of funds between the rival district boards. The same thing happens at the present moment with the District Road Board; what happens there? All the boards are not represented there and there is a feeling that the district boards who have their Chairmen sitting on the Board, fare much better than other boards. What protection is there against that sort of discrimination being made by these boards? The least that you can do is to provide that the district boards will go on in rotation; as you cannot provide for more than two, you can at least provide for a cycle of members coming and going. As the Hon'ble Member has such a holy horror of increasing the number beyond the magic number of 12, though it seems queer this is a proposition you can't but accept —it is one you must swallow.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar. At the risk of being guilty of repetition, I must once more refer to another doctor of whom I made mention yesterday, Dr. Faust, and in connection with this idea I stated that the good doctor here who has studied philosophy, jurisprudence, and though not theology, has laid claim that his opinions outweigh the accumulated wisdom of the Expert Committee and other people all over the country——

Mr. PRESIDENT: Is it necessary to go over all that?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I have come to the conclusion that the real opinion there has been fully well represented, and therefore I do not see any necessity of stressing the point that I have already done as regards the unwisdom of increasing the bulk of the Board.

He has also put a question as to what has been done by the Irrigation Department in Noakhali, Barisal and so on. Is he oblivious of the fact that Bengal is not an irrigation province, *par excellence*, like

other provinces? Does he forget that no irrigation is required particularly in Eastern Bengal, particularly perhaps Noakhali, Mymensingh and so on. I do not think there is much relevancy in what he has said, but as he did make some reference to this fact, I thought it desirable to say one or two words. I do not wish to say anything more than what I have already stated on this point. I oppose the amendment.

The motion was put and lost.

Mr. PRESIDENT: At the request of the Hon'ble Member in charge of the Bill I put off consideration of items 47-48. These may be taken discussed up now.

Mr. H. BIRKMYRE: I would like to support the amendment moved by the Hon'ble Member in charge, but at the same time I would like to clarify the position of this group in respect of the amendment moved by my friend, Mr. Narendra Kumar Basu, and supported by the Hon'ble Member for the 24-Parganas (South). Our opposition to the amendment sponsored by these two gentlemen is purely on the question of principle. There is no deep-laid scheme by the Birds of Passage at the back of this. We are merely taking our stand on the principle that the two members in question are to represent the Bengal Legislative Council on the Waterways Trust. As they will be representing only the interests of this Council, surely it is to the advantage of every party that the best men possible are elected. They will be elected, presumably, by the new Council and, I think, quite apart from anything else, it would be rather interesting to see fledglings from two different strata of the Pagoda Tree perhaps for once sharing the same nest.

Mr. SHANTI SHEKHARESWAR RAY: Mr. President, Sir, I support the amendment moved by the Hon'ble Member in charge of the Bill suggesting that 2 members of the Legislative Council should be elected. I congratulate the Hon'ble Member on bringing forward this amendment. I may mention that when the Bill was referred to the Select Committee, I raised my humble voice of protest against the proposal contained in the original Bill. Sir, in a rather provocative speech I called upon the Hon'ble Member and the Government of Bengal to take an impartial attitude and adopt the recommendation of the Expert Committee in this matter. I am glad that at long last the Hon'ble Member has seen his way to accept my suggestion. Sir, it is very rarely that a suggestion coming from a non-official, particularly a member sitting on the opposition benches, who is often labelled as an irresponsible person, is accepted by Government. Anyway, I think the Hon'ble Member has been persuaded in the exigencies of the situation to accept the suggestion. But the mischief has been done. If the Government

had come forward with this suggestion in the original Bill, I think the amendments that have been moved in this House would not have been moved, the racial and communal aspect would not have been emphasized and what is just and what is reasonable and what is natural would have been accepted as a matter of course. These distinctions were never raised before; these distinctions were not raised when we passed the Bengal State Aid to Industries Act. As a matter of fact, these points have never been emphasized in similar circumstances. Sir, it has always been the practice of this House to elect the best men irrespective of racial or communal consideration, and if we are to judge by our past experience the House need not be ashamed of their actions. We have two representatives on the Industries Board, and I may claim that the House elected the two best men available on the occasion—one was Khan Bahadur Azizul Haque and the other my friend, Mr. Narendra Kumar Basu. Sir, it was not found necessary then to provide that one should be a Moslem and the other a non-Moslem, but the House elected the best available men. If we refer to the election to the Standing Committees, what do we find? Well, no interest is ignored. Members from the British group, members from the Moslem group, members of the scheduled castes all find their way into these committees. (BABU AMULYADHAN RAY: "It is not so in the case of scheduled castes.)" They do find their way, if you kindly refer to the results of the elections held only recently. Sir, in the matter of electing representatives to the Standing Committees, it has never been necessary to hold the elections on racial or communal lines. Even members of the British group top the list of successful candidates. In the circumstances, I would appeal to the House, to my non-official colleagues, to take a broad-minded view of the situation and not to be led away by counsels which will have a far-reaching effect. Just now there is a cry that British interests require safeguards. They are afraid of a policy of discrimination, and I would appeal to my non-official colleagues here not to lend support to that cry or justify that cry by any action which may be represented as of a discriminating nature. Sir, my appeal to the Government has been successful, and I appeal to my hon'ble colleagues, especially my Indian colleagues, to accept my view of the matter and support the proposal coming from the Hon'ble Member in charge of the Bill.

Dr. NARESH CHANDRA SEN GUPTA: I support motion No. 48 and oppose motion No. 47. Well, I am not surprised that my friend Mr. Shanti Shekhareswar Ray has just done the reverse. When I read the dissentient minute of the Hon'ble Member and his official friends, it struck me as excruciatingly funny that the Hon'ble Member, who was responsible for introducing a Bill by which the membership was restricted to one Moslem and one non-Moslem member of the Bengal Legislative Council, had suddenly raised up his hand in holy horror

against a statutory racial discrimination which he found to be objectionable in a matter like this. But the Select Committee in its wisdom have eliminated that absurd distinction between Moslem and non-Moslem members of the Legislative Council, because the rivers know no distinction between Moslem and non-Moslem (A VOICE: "It is still there.") Oh, it is still there; only it has been put differently. So far as the Indian aspect of it is concerned, it is regarded as a very very obnoxious racial discrimination. But is it not a gratuitous assumption to suppose that this clause seeks to introduce racial discrimination? Nothing of the sort. Sir, considering the number of European population, considering the interests of the non-Indians—let me put it in that way—considering everything, I must say that the constitution of the Board as provided in the Bill does the Europeans, very well indeed. They will have the Chairman of the Port Commissioners, they will have a member of the Bengal Chamber of Commerce and under (*g*) there will be three persons appointed by the Local Government of whom one shall be appointed to represent the interests of persons carrying on the business of transport by water within the jurisdiction of the Board. Although it is not actually stated as to who the representatives would be, we know what it means. So they have got fully one-fourth of the total number of members. On the other hand, the interests of Indians, I mean the Indian inhabitants of the province, are overwhelmingly large. To represent them we have got only two persons to be elected by such bodies as Government may nominate as representing the interests of the Indian mercantile community only and two representatives of the district boards. The Hon'ble Member will not increase the number. Well, in addition we have asked for a representation of the Indian inhabitants of this province by two Indian members of the Legislative Council. It is not a question of racial discrimination at all. To represent the interests of the province as a whole, we say that they should be represented by two Indian members of the Legislative Council because there are no other suitable constituencies to elect representatives of the province as a whole. And if there are to be two representatives of the province as a whole, they must be Indians. That is the amendment proposed by Mr. Basu. No doubt, this bogey of racial discrimination has been raised in this manner in regard to numerous matters which are now before the Joint Parliamentary Committee, but I am surprised that the Hon'ble Member has suddenly discovered the obnoxiousness of racial discrimination in this provision. Well, looking at the facts, we find that it is not a question of racial discrimination at all. I hope the Hon'ble Member will not find in all this any trace of philosophy. I am not talking of abstract logic like my friend Mr. Santi Shekhareswar Ray: I am not talking of the high philosophy of the Hon'ble Member's note of dissent. I am talking practical common sense. The Europeans who will be 3 out of 12 members have indeed been done very well.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I am not surprised at the attitude taken by my friend Mr. Shanti Shekhareswar Ray, because in a matter like this he has spoken in a true nationalistic spirit. On the other hand, I am rather surprised at the motion which has been tabled by Mr. Narendra Kumar Basu and supported by my friend Dr. Naresh Chandra Sen Gupta. Sir, Mr. Narendra Kumar Basu finds the Select Committee provision very objectionable because it smacks of communalism. The provision of one Moslem and one Hindu member is against all national principle, he says. (MR. NARENDRA KUMAR BASU: "I never said that.") But that is probably in the back of your mind. He objects to the deletion of the word "Indian" because there would be the possibility of electing a non-Indian or a European in the future to this Board. Personally, I do not think that this is right. The election will be made by the members of this House who should be credited with a certain amount of discretion and proper appreciation of people's ability. Apart from the fact whether he is Moslem, non-Moslem, Indian or European, they will elect two men who are likely to serve the purpose best. I do not see why a particular race or community should be excluded from the privilege of being elected. It has been said that the European community have got a disproportionately large number of seats on the Board. I do not agree in that, because in this particular matter the population ratio is not the thing which should be considered, but also the interests which are involved should be taken into consideration. They think that the Chairman of the Port Commissioners will be a European always. I do not think it will be necessarily so. It is possible that in the near future an Indian may be elected. Why I say possible is because an Indian is at the present moment the elected representative of that body in the Calcutta Corporation, it is not unlikely that in future the Chairman of the Port Commissioners may be an Indian. However, be that as it may, I think it to be a very unsound policy to exclude a particular community from the right of election from the Legislative Council. I therefore oppose the amendment of Mr. Narendra Kumar Basu.

Mr. J. N. GUPTA: On a matter of principle, I think it my duty to support the amendment moved by the Hon'ble Member in charge of the Bill. It is high time that in discussing such matters, we shook ourselves entirely free from all communal or racial outlook. It is no use saying that in order to secure proper representation for Indians on the proposed Board it is necessary to lay down that both of the members of this House who would be elected must be Indians. We should be prepared to face competition. There is not the least foundation for apprehending that the House in electing these two members will elect a European even if he is not fit to represent the House, but if he is considered fit to represent the House, there should not be any bar on the ground of his race to his being elected. If the future of Bengal is at all to be hopeful,

it can only be so by all of us uniting together to work the future constitution and other bodies that this constitution might set up on an absolutely equal footing and not fettered by baneful communal fetters. I am surprised that my friends who stand for nationalism should support this motion of Mr. N. K. Basu.

Maulvi SYED MAJID BAKSH: I do not exactly follow the point of controversy that has been raised by these gentlemen. I would very much like that Indians should have their proper share everywhere. We must not forget that in this Board we can introduce an element of very good efficiency even if it be at the cost of national sentiment. I do not say that the Indians are useless and that all the good qualities belong to Europeans, but we cannot get out of the fact that so far as the workability of this irrigation problem is concerned, we are likely to get much help from our European friends. I would go further and say that if we find our European friends not thinking in the way of a fledglings of the Pagoda Tree, but really looking after the interests of India and her needs, I would like to elect both the members European. I am in good company with Mr. Shanti Shekhareswar Ray whose love of nationalism cannot be doubted by anybody, whatever his position might be. We find that in this Waterways Trust we need capital very much. We shall have to issue debenture in order to take up big schemes. If we antagonise the Europeans, will it not be a mistake on our part? On the other hand, if we enlist the sympathy of the Europeans, it would be of immense help to us to work the Board. As this Board is coming to function under the new constitution, if we find that the Europeans are looking after our interests, will it not be better for us to enlist their sympathy and thereby have better advantages as regards the workability of the Board? I would like that the Indian members should be there, but I do not like to put a bar on efficient men being put on the Board by accepting an amendment like this. I hope to be excused by my friends who think that by supporting the Europeans I am not a lover of Indians.

Maulvi ABDUS SAMAD: I am really amused at the turn which the debate has taken over this trifling matter, and I am still more surprised at the fact that the Hon'ble Member in charge of the Bill, who is out and out a supporter of communal electorate, has preached a sermon on the virtue of nationalism and has brought this motion with a view to show that he has no racial bias or prejudice. In the original draft the clause was that one non-Moslem and one Moslem member of the Bengal Legislative Council were to be elected. There was a seat specified for the Moslem community, but non-Moslems included Hindus, Anglo-Indians and Europeans; so there was no specific provision for the

election of a Hindu. The Select Committee improved upon it and put it down as two Indian members of the Legislative Council, of whom one would be a Moslem and the other a non-Moslem. Now according to the proposed amendment, any two members may be elected irrespective of their caste or creed. I think I have to oppose this motion of the Hon'ble Member, because the mischief, as stated by Mr. Shanti Shekhareswar Ray, has already been committed. It is clear that both the Hon'ble Member as well as the members of the Select Committee were guided by communal motive. No harm would be done if it is kept in the form in which we find it in the Bill as amended by the Select Committee, especially in view of the fact that, as under the new constitution the House will be divided into different communal groups and the election of the two members would surely be made on communal line, with the result that the statutory racial distinction which the proposed amendment seeks to avoid, would be perpetuated in a worse form. I am surprised, Sir, that the Hon'ble Member in charge of the Bill and the other supporters of the amendment, who have consistently supported the communal award and the communal electorates, should so glibly talk of nationalism and things like that. To be consistent with the principle of election that has been in existence at present and will be introduced under the future constitution, it is only just and fair that this amendment should be negatived and the clause as amended by the Select Committee be accepted by the House. I hope I will not be misunderstood. My opposition to the proposed amendment is really not inconsistent with my view previously expressed on the question of joint electorate—a principle for which I venture to say that no Moslem member has fought harder than my humble self.

Maulvi TAMIZUDDIN KHAN: I am surprised to find that the high priest of nationalism amongst the Moslems of this Council has changed his views and has taken a leaf out of the book of the so-called communalists. My friend has found fault with the Hon'ble Member and said that as he is a supporter of communal electorates, it does not lie in his mouth to bring in a motion like this, and also Mr. Shanti Shekhareswar Ray, although he has opposed the motion of Mr. Narendra Kumar Basu, has spoken in the same strain; he has said that the mischief has already been done. Their position seems to be this, that if a mistake is committed once, it cannot and should not be rectified. That is an attitude which I cannot understand. So far as the House is concerned, it has never accepted the principle that any community or race should be excluded from the right of seeking election in any particular matter. If any mischief, which was committed when the original Bill was drafted, is now going to be rectified, I do not see any reason why we should not support this very sensible motion of the Hon'ble Member. It has been explained that it would be a wrong

keep to exclude a particular community from the right of election. I think those members who are going to press for this principle being accepted are going to commit a great mistake.

(The Council was then adjourned for 15 minutes for prayer.)

(After adjournment.)

Nawab MUSHARRUF HOSAIN, Khan Bahadur: A lot of extraneous matters have been introduced in this debate quite out of proportion to the subject matter under discussion. Sir, the question is a very simple one: Whether the representative of the Council should be one in whom everybody has confidence or whether that representative should come from any particular community only. When the Bill was originally presented to the Council, although the Hon'ble Member had provided that a Moslem should be there, he did not shut out from election any other section of this House. He thereby thought that both Europeans as well as Indians would have an equal chance of election if his proposal was accepted by the Select Committee. But the Select Committee has changed it in a different way. It is they who have really introduced this point of dispute, that Europeans should be excluded from election from this House. It is not the principle which I believe can be accepted by any. You may allow some special favour to a special group, but you cannot at the same time disfranchise a community and that is the reason which I believe has prompted the Hon'ble Member now to come forward with an entirely different proposal and that is that there should be only two representatives of this House on the Board that he is now contemplating to create. I do not believe that any reflection can be made against this change of attitude. When the Hon'ble Member found that he would not be able to do any special good to the community from which he has come, he probably thought that it would be right and proper that there should be absolutely no special provision for any class or community. Here my friends have tried to show that we are really all united and therefore there is absolutely no necessity for communal electorate or communal award, and all such things have been brought into the debate. I do not believe that even my European friends would relish the idea of there being no communal award at all. They also would like to have a communal award. The Moslems as we know are not against the communal award and whether they are overjoyed, as Mr. Basu whispers, or whether they accept it as a *hookoom* from the above, I do not know; but they have accepted it, and they are prepared to work out the reforms under this award. So, that being the case, if this question of communal award had not been introduced in this debate, I would not have risen and spoken in this strain. With these words, I support the motion of my Hon'ble friend Sir Abdelkerim Ghuznavi.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: Sir, I have very little to add to what I have already said while moving my own motion. I now get up to oppose the motion moved by my friend Mr. Narendra Kumar Basu. His motion goes entirely against the grain of the principle which I have tried to enunciate in the amendment which I have moved. The Bill purports to deal with the waterways, and I think it is only fair and proper that no discrimination, racial or otherwise, should be introduced in the Bill. It has been very rightly said by my friend Maulvi Tamizuddin Khan that if any error had crept in at the time of drafting the Bill, it was open to correction when it came to notice. Sir, we must be all aware of the saying that "to err is human, but to forgive is divine." If the question arises why the error should be rectified, the motion which has been moved by Mr. Narendra Kumar Basu will perpetuate that error as it will again bring in the word "Indian" to the forefront. Therefore, I must oppose the motion. It is not in keeping with my original amendment. We have tried to put it in a way fair and proper to all, and I am glad to find that my view has been endorsed by many speakers in this House and not the least by Mr. Shanti Shekhareswar Ray.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Am I entitled to speak in opposition to the Hon'ble Member's motion?

Mr. PRESIDENT: I believe you have already spoken once.

Mr. NARENDRA KUMAR BASU: Yes, but that was in support of my own motion. But now I want to speak against the motion of the Hon'ble Member.

Mr. PRESIDENT: Have you any new point to make?

Mr. NARENDRA KUMAR BASU: Yes, Sir.

Mr. PRESIDENT: In that case, you may.

Mr. NARENDRA KUMAR BASU: I beg to oppose the Hon'ble Member's motion for the amendment of clause 5 (*c*). Sir, the Hon'ble Member has stated that in moving this motion he has tried to rectify a mistake which he had made in the original Bill. Sir, I think perhaps that is true, but the mistake that he has sought to give out to the Council is not the mistake which I think he committed.

I find, Sir, in the original Bill he wants to have one seat for Moslems and the other two left in in a vague manner for the non-Moslem members of the Bengal Legislative Council. Possibly he thought it would not

be found out that non-Moslems would include not only Hindus, but other classes and Britishers. When he found that the Select Committee had dotted his i's and crossed his t's and made it two Indian members of the Bengal Legislative Council, one Moslem and the other non-Moslem, he now repents and says that rather than have Hindus, he will have two Europeans. That is the attitude which characterises the Hon'ble Member's motion. I submit that this is an attitude which must be anathema with all members of the House—Hindu, Moslem or European—in this Council.

Mr. PRESIDENT: In conformity with the practice of the House, I place Mr. Basu's amendment first as it is more restricted in its scope than the other amendment.

The motion of Mr. N. K. Basu that for clause 5(*c*), the following be substituted, namely:—

"(*c*) two Indian members of the Bengal Legislative Council" being put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Bhoudhury, Maulvi Nurul Abser.
Fazlullah, Maulvi Muhammad.
Hoque, Kazi Emdadul.
Quasem, Maulvi Abul.
Rahman, Maulvi Azizur.
Roy, Babu Jitendra Nath.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Ashworth, Mr. C. G.
Bakh, Maulvi Syed Majid.
Banerji, Rai Bahadur Saileendra Nath.
Barma, Rai Sahib Panchanan.
Barman, Babu Prem Hari.
Basu, Babu Jatindra Nath.
Birkmyre, Mr. H.
Bottomley, Mr. J. M.
Burn, Mr. H. N.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dutt, Mr. G. S.
Edgley, Mr. H. G. A.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dildaar.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Mr. P. N.
Gupta, Maulvi J. R.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Martin, Mr. D. M.
Mason, Mr. S. A.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Mitra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhyay, Rai Sahib Sarat Chandra.
Nag, Reverend B. A.
Nag, Babu Suk Lal.
Nazimuddin, the Hon'ble Mr. Khwaja.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray, Mr. Shanti Shekhareswar.
Reid, the Mr. R. R.
Roy, the Hon'ble Sir Bijoy Prasad Singh
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. S. N.
Roy Choudhuri, Babu Nem Chandra.
Sahana, Babu Satya Kinkar.
Sarkar, Rai Bahadur Rohini Mohan.
Sen, Rai Sahib Akshoy Kumar.

Sen, Mr. B. R.
Steven, Mr. J. W. R.
Suhrawardy, Mr. H. S.
Sumner, Mr. C. R.
Townend, Mr. H. P. V.
Walker, Mr. W. A. M.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The "Ayes" being 11 and the "Noes" 64, the motion was lost.

The motion of the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim Ghuznavi, of Dilduar, that for clause 5(*e*), the following be substituted, namely:—

"(*e*) two members of the Bengal Legislative Council" being put, a division was taken with the following result:—

Mr. PRESIDENT: To avoid misunderstanding in the future I must tell the House that when a member demands division, he must fully rise in his place and demand the division clearly and in a voice loud enough to be heard by the Chair.

AYES.

Ashworth, Mr. C. G.
Baksh, Maulvi Syed Majid.
Banerji, Rai Bahadur Saileendra Nath.
Barma, Rai Sahib Panchanan.
Burman, Babu Prem Hari.
Basu, Babu Jitendra Nath.
Birkmyre, Mr. H.
Bottomley, Mr. J. M.
Berg, Mr. H. M.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Dain, Mr. R. R.
Das, Rai Bahadur Kumiai Kumar.
Dutt, Mr. B. S.
Edgley, Mr. R. B. A.
Farequi, the Hon'ble Nawab K. S. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dilduar.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Mr. P. R.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hussain, Nawab Musharruf, Khan Bahadur.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Martin, Mr. C. M.
Mason, Mr. G. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Nag, Reverend B. A.
Nag, Babu Sah Lal.
Nazimuddin, the Hon'ble Mr. Khwaja.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abder-.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Roy, Mr. Shanti Shekhareswar.
eld, the Hon'ble Mr. R. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Ray, Mr. S. N.
Ray Choudhuri, Babu Nem Chandra.
Sahana, Babu Satya Kinkar.
Sarkar, Rai Bahadur Rohini Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. B.
Steven, Mr. J. W. R.
Suhrawardy, Mr. H. S.
Sumner, Mr. C. R.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

NOES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Haque, Kazi Emdadul.
Quasem, Maulvi Abul.
Rahman, Maulvi Aziz-r.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.

The "Ayes" being 60 and the "Noes" 8, the motion was carried.

Dr. NARESH CHANDRA SEN GUPTA: With your permission, Sir, may I move amendments Nos. 68 and 74 together.

Mr. PRESIDENT: You can do so.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 5 (*g*), line 1, for the word "three" the word "ten" be substituted.

I also beg to move that to clause 5 (*g*) the following be added, namely, "and five shall be appointed to represent the interests of cultivators and the rest shall be appointed from among District Health Officers of the area covered by the jurisdiction of the Board."

Sir, the clause as amended will read thus:—

"Ten persons to be appointed by the Local Government, of whom one shall be appointed to represent the interests of persons carrying on the business of transport by water within the jurisdiction of the Board and five shall be appointed to represent interests of cultivators and the rest shall be appointed from among District Health Officers of the area covered by the jurisdiction of the Board."

At the outset no doubt the Hon'ble Member will be disposed to quarrel with this proposal on the ground of numbers. Well, at most it increases the total number of members by seven, but on the other hand it adds to the strength of the body by introducing representation of vital interests which are altogether ignored by this Bill. Well, Sir, the new interests which I bring in are interests in the first place of the cultivators and secondly of the health of the various districts. There can be no doubt, in spite of the repeated assurances of the Hon'ble Member to the contrary, that the interests of agriculture are likely to be vitally affected by many proposals of the Board. That Government also recognise this would appear from the proposal contained in clause 43 of the Bill. Under clause 43 (*b*) (*vi*) the proviso is "provided that the Local Government may prohibit any such action if it considers that it is likely to cause damage or to be detrimental to agriculture or public health." By this clause the Board is authorised to do all other acts necessary for the making and maintenance of such channels or for the safety and convenience of navigation, provided that the Local Government may prohibit any such action if it considers that it is likely to cause damage or to be detrimental to agriculture or public health. So it will be seen that public health is entitled to some considerations; the interests of agriculture are also entitled to some consideration and they are entitled, if I may say so, to a great deal of consideration indeed. Section 43, no doubt, says that Government, if they so choose, may prohibit any action on the grounds of interest of public health. But the Board itself would be blissfully innocent of all such considerations; that much can be gathered from the very

expert report which the Hon'ble Member has referred to over and over again. That expert body consisted of three gentlemen; one was Mr. Hopkyns, who was an I.C.S., as Chairman, and the two others, both engineers, were Mr. Harris, Consulting Engineer to the Government of India, and Mr. J. B. E. Smith, Chief Engineer, Irrigation, Punjab, Members, and Mr. Porter, Secretary, and these experts throughout their report have brought into the consideration of this matter numerous facts but, they have ignored the question of agriculture altogether and, to some extent, public health. The expert body which this Bill seeks to create would also be in the same predicament except for the modicum of representation which is given to members of the Bengal Legislative Council, where again the Hon'ble Member has by carrying his motion reduced it to a position in which the interests of agriculture may not be represented at all. Therefore, I think it is of the utmost importance that this body which will not be subject to any control of the Legislative Council should have on its personnel some representatives of agriculture and public health. I do not want that they should be elected. I would make a present to the Hon'ble Member of the patronage in respect of these new appointments. From that point of view he ought to welcome it, and it may serve many useful purposes. I would ask the Government to nominate representatives of the interests of agriculture, but I would tie their hands in the matter of District Health Officers because the interests of health are vitally affected. Here, again, I hope the Hon'ble Member will not run away with the idea that there is any philosophy behind the matter. For my past sins I passed the M.A. Examination in Philosophy, but that is not the only thing I have done in my life. So I submit that this is not philosophy but very, very much practical politics. My Hon'ble friend has unfortunately shut his eyes to everything else in the world except to the pages of this most valuable report, but besides this report there is this province, this country, which has got to be considered and that is the direction to which I would ask the Hon'ble Member just to turn a bit of his attention.

Mr. L. R. FAWCUS: Mr. President, Sir, surely when the House expressed its disapproval of amendment No. 11, by which the present mover proposed to broaden the basis of the Trust from 12 to 50, it, in a manner, gave its verdict on the present proposal. The practical point at issue is—are we to accept Government's proposal for a small business-like committee, providing for representation of local interests, through the representatives of the District Committees of such districts as may be concerned in any particular scheme which comes before the Trust, or are we to accept Dr. Sen Gupta's present proposal for this wide local representation by which possibly the Health Officer of Chittagong may be called away from his duties there to travel to Calcutta to consider a Bankura problem or a representative of the Bogra cultivators

may draw travelling allowance from somebody or other in order to come down to Calcutta to advise the Trust on a matter like the Madaripur *bhil* route? The answer is, I think, self-evident. Government's proposal is the businesslike one and will not be improved in any way by adopting the present proposal of the mover, which I therefore beg to oppose.

The motion that in clause 5(*g*), line 1, for the word "three" the word "ten" be substituted, was then put and lost

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 8th February, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 8th February, 1934, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 95 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Ceremonial parade at Tamluk by K. R. R. Battalion.

***54. Mr. R. MAITI:** (*a*) Is the Hon'ble Member in charge of the Political Department aware that several notices were served in the first week of December, 1933, upon several gentlemen including Rai Sahib Sarat Chandra Mukherji, M.L.C., residents of the Tamluk town in the district of Midnapore, asking them to explain why they failed to attend the ceremonial parade held by the K. R. R. Battalion on the 29th November last when they came to Tamluk on their enroute march?

(*b*) If the answer to (*a*) is in the affirmative, who issued such notices and under what authority were they issued?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Yes.

(*b*) In accordance with practice and precedent when troops are on the march, the Subdivisional Officer, Tamluk, issued notices of a ceremonial parade to be held at Tamluk on the 29th November last, requesting the attendance of leading residents. As some of the latter neither attended nor replied to the invitation, the Subdivisional Officer thought it desirable to give these gentlemen an opportunity of explaining their absence.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether non-attendance in response to notices of ceremonial parades is either an offence or something which requires explanation from people asked to attend?

The Hon'ble Mr. R. N. REID: In this particular case the invitation was issued to leading residents and others, including title-holders, and I think it to be reasonable that the Local Government officers should ask such persons to explain their absence.

Mr. NARENDRA KUMAR BASU: Is it any part of the duty of the title-holders to obey the behests of the Subdivisional Officers?

The Hon'ble Mr. R. N. REID: I am not saying that it is the part of the duty of the title-holders to attend, but at the same time I think that courtesy demands it.

Mr. NARENDRA KUMAR BASU: Was there any indication in the notices that non-attendance will have to be accounted for?

The Hon'ble Mr. R. N. REID: No, Sir.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether this practice is confined only to Bengal or obtains all over India?

The Hon'ble Mr. R. N. REID: Sir, I am not aware of the practice that obtains all over India, but the action taken in their case was in accordance with the Bengal Troops Manual.

Mr. R. MAITI: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether only one letter was issued to all the persons asking them to attend the parade?

The Hon'ble Mr. R. N. REID: I do not understand that question, Sir.

Mr. PRESIDENT: What is your point?

Mr. R. MAITI: I want to know whether the notice was issued with a list of names on it, and I further want to know whether it was sent round and signed by the gentlemen concerned? Again, in that circular letter or notice were the persons, who were asked to be present at the parade, asked whether they would be able to be present?

Mr. PRESIDENT: That question, in substance, has already been answered, and I disallow it.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the civil authorities asked the military authorities for the issue of such notice?

The Hon'ble Mr. R. N. REID: I do not see any reason why they should not have done so.

Mr. SHANTI SHEKHARESWAR RAY: Might I inquire whether it has been the practice of Government always to call for explanation in such cases or whether it is an innovation?

The Hon'ble Mr. R. N. REID: I am quite unable to answer that question.

Mr. SHANTI SHEKHARESWAR RAY: Is it a fact that when Troops are on route march in Calcutta, the residents are called upon to be present?

The Hon'ble Mr. R. N. REID: I do not think that is probable, Sir. In this particular case it was a ceremonial parade.

Mr. SHANTI SHEKHARESWAR RAY: May I recall to the Hon'ble Member the fact that ceremonial parades are held on the 1st of January every year, and are the residents of Calcutta called upon to attend?

The Hon'ble Mr. R. N. REID: Invitations are issued to a large number of people to witness the parade, as far as I know.

Mr. SHANTI SHEKHARESWAR RAY: Can the Hon'ble Member cite any instance in which failure to attend the parade resulted in the calling of explanations?

The Hon'ble Mr. R. N. REID: Not that I am aware of, Sir.

Mr. SHANTI SHEKHARESWAR RAY: Might I know why explanations are not called for in these cases?

The Hon'ble Mr. R. N. REID: I have already given my reasons in the earlier answers.

Mr. SHANTI SHEKHARESWAR RAY: Might I know whether these notices were issued to humiliate respectable persons?

The Hon'ble Mr. R. N. REID: No, Sir.

Mr. NARENDRA KUMAR BASU: Do the Government approve of the issue of this sort of notice calling upon the people to attend parades?

The Hon'ble Mr. R. N. REID: I have already said that in case of failure to attend such parades, Government are entitled to know why certain persons, including title-holders, were absent.

Mr. NARENDRA KUMAR BASU: Do the Government approve of this action of the local officers in asking for an explanation?

The Hon'ble Mr. R. N. REID: Yes, Sir.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member kindly make a statement as regards the real purpose of sending these notices and asking for explanations?

The Hon'ble Mr. R. N. REID: It was an invitation to attend a public ceremony and to accord a welcome to the troops who were visiting the town.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member aware of any case, barring of course those invited to Government House ceremonies, where there is any obligations upon the absentee members to explain their conduct for non-attendance?

The Hon'ble Mr. R. N. REID: Sir, I can conceive of such cases, but I should like to have notice to answer this question fully.

Allegation of oppressions in Midnapore.

*55. **Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Government have received a petition dated the 21st December, 1933, from Babu Ashutosh Roy Chowdhury of village Balyagobindapur, police-station Pataspur, in the Contai subdivision of the Midnapore district, stating that, during the early hours of the 10th December last, his house was surounded by a party of Garhwali soldiers and some police officers with Mr. Dhirendra Nath Mukharji, the Special Magistrate of Contai, at their head, and on Ashu Babu's coming out of the house he was asked to salute the Union Jack, and before he had explained his position fully he was belaboured with a cane while his hands were tied up behind his back and every article of his house broken in course of the searches made therein?

(*b*) Is it a fact that the said petition further stated that after the above incident he, the said Ashu Babu, was taken to the soldiers' camp at Manglamaro and locked up in a room without any food for the day till 5 p.m. when he was brought to the Parade ground and asked to salute the flag again, but on his refusal to do so, he was mercilessly beaten by the Special Magistrate with heavy strokes of cane and his head was forcibly struck against the ground for salutation while threatening him with bullet shots?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, what steps do the Government propose taking against those who committed such oppressions upon the person or persons referred to in the above petition?

(*d*) Is the Hon'ble Member aware that similar oppressions were also committed by the same party in the houses of one Ramanath Maiti of Balyagobindapur village, one Atul Chandra of Amarshi village, one Kalipada Roy of Palpara village in police-station Pataspur, as well as in other parts of the district of Midnapore?

(*e*) Are the Government considering the desirability of taking steps for the prevention of a recurrence of similar incidents in the district?

The Hon'ble Mr. R. N. REID: (*a*) and (*b*) A petition containing the allegations referred to was received.

(*c*) Government have made inquiries and are satisfied that no oppression was committed.

(*d*) No.

(*e*) Does not arise.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state that the allegations made are entirely false?

The Hon'ble Mr. R. N. REID: Yes, Sir.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to tell us whether it is any part of the duties of these Garhwali soldiers to surround the houses of persons?

The Hon'ble Mr. R. N. REID: Yes, Sir, when they are called upon by the District Officer to do so.

Mr. NARENDRA KUMAR BASU: Is it not a fact that only in the case of unlawful assembly the civil authorities are entitled to call upon the military authorities for assistance?

The Hon'ble Mr. R. N. REID: I should like to have no ... ...-this question.

Mr. NARENDRA KUMAR BASU: Is he aware of the state of the law on the subject, or has he got any information on the point?

The Hon'ble Mr. R. N. REID: I have already asked for notice, Sir.

Mr. NARENDRA KUMAR BASU: Will he state under what circumstances these Garhwali soldiers were utilised by the civil authorities? Is it to surround these houses?

The Hon'ble Mr. R. N. REID: The services of these soldiers were requisitioned in order to assist the police to conduct house searches.

Mr. NARENDRA KUMAR BASU: Will he be pleased to state under what law this was done?

Mr. PRESIDENT: I am afraid, Mr. Basu, you cannot put that question.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member aware that it is illegal for a Magistrate to call upon the soldiers to assist the police in conducting house searches?

The Hon'ble Mr. R. N. REID: I am not aware of it.

Babu SATISH CHANDRA RAY CHOWDHURY: If the allegations are false, as already stated by the Hon'ble Member, has any prosecution been started?

The Hon'ble Mr. R. N. REID: That is a matter for the Government to decide.

Mr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to give us an idea of the nature of the inquiries that have been made?

The Hon'ble Mr. R. N. REID: They were made by responsible Government officers.

Dr. NARESH CHANDRA SEN GUPTA: Did it consist of merely summary inquiries?

The Hon'ble Mr. R. N. REID: No, Sir, they were of a detailed character.

Dr. NARESH CHANDRA SEN GUPTA: Might I know how many witnesses have been examined?

The Hon'ble Mr. R. N. REID: I have not got that information with me at the present moment.

Mr. NARENDRA KUMAR BASU: Were the petitioners examined in the matter at the inquiry?

The Hon'ble Mr. R. N. REID: I am sorry, Sir, I am unable to give that information.

House searches at Midnapore in connection with the murder of Mr. Burge.

*56. **Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that on the 6th September last, *i.e.*, some four days after the murder of Mr. Burge, the District Magistrate of Midnapore, the houses of several respectable citizens of the Midnapore town were searched and in course of such searches the owners or their sons were mercilessly beaten and every bit of their household things was broken to pieces?

(*b*) If the answer to (*a*) is in the affirmative, what were the reasons for beating people and breaking their things in course of the searches made in their respective houses?

(*c*) Were these incidents brought to the notice of the Government?

(*d*) If the answer to (*c*) is in the affirmative, what steps have the Government taken in this matter?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) and (*b*) It is correct that several houses were searched in Midnapore on the morning of 6th September, 1933, in connection with the investigation into the murder of Mr. Burge, the then District Magistrate. These searches were confined to the houses of known political suspects. A certain amount of unavoidable damage was done in the course of these searches, and as some people obstructed the search force had of necessity to be used.

(*c*) Yes.

(*c*) If the answer to (*b*) is in the affirmative, what is the reason for such serious omission to observe the Regulations?

(*d*) Will the Hon'ble Member be pleased to state whether any departmental instructions have been issued to police officers on the subject of recording the statements of witnesses in their diaries by investigating officers apart from or explaining the rules embodied in the Regulations?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased—

(*i*) to state the nature of such instructions; and

(*ii*) to lay a copy of such instructions on the table?

(*f*) Are the Government considering the desirability of taking the opinions of the Sessions Judges on the subject of the observance of the rule embodied in the Bengal Police Regulations to ascertain the state of facts in this connection?

The Hon'ble Mr. R. N. REID: (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

(*d*) No.

(*e*) Does not arise.

(*f*) No.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be surprised to hear that from my personal experience I can say that in serious cases statements have not been recorded under section 161 of the Criminal Procedure Code, and is he aware that such a course hampers justice?

The Hon'ble Mr. R. N. REID: We have no information on that point, Sir.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to make an inquiry into the allegations made in this question?

The Hon'ble Mr. R. N. REID: If the hon'ble member would give us any specific instance or case, I shall be only too glad to make inquiries.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Speech of the Commissioner of Burdwan Division at the Durbar held at Midnapore.

27. **Mr. SHANTI SHEKHARESWAR RAY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a copy of the speech of Mr. L. B. Burrows, officiating Commissioner of the Burdwan Division, at the Durbar held at Midnapore in December, 1933?

(*b*) Will the Hon'ble Member be pleased to state whether he was authorised by the Government to express the views of the Government as well as his own views as the Commissioner of the Division on the occasion?

(*c*) Is it permissible for a Government servant of the rank of a Commissioner of a Division to give expression in a Durbar speech to a view which is different from that of the Government or the Member in charge of the department?

The Hon'ble Mr. R. N. REID: (*a*) Yes. A copy is laid on the Library table.

(*b*) Yes.

(*c*) Government servants are not permitted to criticise in public speeches the declared policy of Government.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the copy laid on the table, or circulated under the authority of the Publicity Board, Political Branch, Bengal, is a correct one?

The Hon'ble Mr. R. N. REID: Yes, Sir.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the statement of the Commissioner of the Burdwan Division, viz., that the military have been stationed in Bengal to support and assist the civil authorities, and, short of martial law being declared, can only act under the directions of the civil authorities?

The Hon'ble Mr. R. N. REID: Yes, Sir.

Mr. SHANTI SHEKHARESWAR RAY: Is the Hon'ble Member aware of the statement made by his predecessor in office in this Council—I mean the late Sir William Prentice—that troops in Bengal act under the military authorities only?

The Hon'ble Mr. R. N. REID: The late Honourable Member's answer was no doubt quite correct.

Mr. SHANTI SHEKHARESWAR RAY: Then, how can the Hon'ble Member reconcile two different and contradictory statements so far as the employment of troops in Bengal is concerned?

The Hon'ble Mr. R. N. REID: To my mind there is no contradiction.

Mr. SHANTI SHEKHARESWAR RAY: Is the Hon'ble Member aware of the fact that the Publicity Board, Political Branch, Bengal, circulated along with the pamphlet a photograph of the Commissioner of the Burdwan Division?

The Hon'ble Mr. R. N. REID: No, Sir.

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Waterways Bill, 1934.

Mr. NARENDRA KUMAR BASU: Sir, may I have your permission to move amendments Nos. 70 and 72 together?

Mr. PRESIDENT: Yes, you have my permission.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, I beg to move that in clause 5(*g*), line 1 for the word "persons" the word "non-officials" be substituted, and that in lines 2 to 5, the words beginning with "of whom one" and ending with "jurisdiction of the Board" be omitted.

Sir, for the greater edification of the members of the Council may I point out that clause 5(*g*) as it now stands provides for three persons to be appointed by the Local Government, of whom one shall be appointed to represent the interests of persons carrying on the business of transport by water within the jurisdiction of the Board. By my amendments Corporation can be a candidate for election. Following the argument

I want to make it obligatory upon the Government not to nominate officials in either of these vacancies, and I also want to delete the provision that one of the persons nominated by the Government shall be a person representing the interests of companies engaged in the business of transportation by water.

Sir, during the last three or four days that this Bill has been under discussion, the Hon'ble Member in charge of the Bill and of the Department, has in his passion for non-communalism staked everything upon the report of the Expert Committee. I think, Sir, that his attitude towards these amendments will be a true test of his sincerity *vis-a-vis* the Expert Committee whose recommendations he has trotted out in season and out of season in order to confound his critics. Sir, the Expert Committee went very deeply into this matter and in paragraph 104 of their report they say as follows:—

"We do not however propose that either Government departments or river transport companies should be directly represented on the Board. It is desirable that the Board should be able to obtain, either formally or informally, the advice and help of expert officers of Government, such as the Chief Engineer, Irrigation Department, or the Director of Public Health, or Railway officers. But one of the functions of such officers will be to advise Government on schemes proposed by the Board, and they would not be free to express their own views in meetings of the Board unless they had ascertained the wishes of Government. We do not consider that, in such circumstances, they should have a voice in the decisions of the Board. We therefore propose that the constitution should make it possible to associate them in the work of committees of the Board but that they should not be members of the Board itself. On the general principle that persons financially interested in the operations of the Trust either personally or as employees of others should not have a voice in its decisions, we would not allow representatives of river transport companies to be members of the Board. It is usual to disqualify from service on a Board of this nature any person who, either on his own behalf or as a Director, Secretary, Manager, or salaried officer of an incorporated company, stands in any contractual relation with the Trust; in the case of the Waterways Trust we would go further and would disqualify from service as a trustee any person who has a direct interest, other than as a mere shareholder, in any firm, company, or organisation, which provides means of public transport within the area under the jurisdiction of the Trust. We consider it preferable that the views of the transport agencies should be placed before the Board from without, rather than that they should be directly represented upon it. As in the case of the Government experts, we would make it possible to associate officers or representatives of such companies in the work of committees."

Sir, I should like to hear from the Hon'ble Member in charge of the Bill whether he can show us with the great magnanimity that he has shown us during the last three days any reason whatsoever why he should throw overboard the recommendations of the Expert Committee on this particular matter to suit his present purpose. Sir, the only reason so far vouchsafed to the Council by him has been that there have been representations from the Bengal Chamber of Commerce, and that the Hon'ble Member and the Select Committee, as a matter of compromise, agreed to the representation of the transport companies being incorporated in the Bill; but, Sir, no reason have yet been given or adduced in support of his proposal. I should like to know why in such a vital matter the decision and advice of the Erpert Committee, which are considered to be sacrosanct in other respects, should not be followed. Is it merely to please a section of this House or is it that it may be made more and more undesirable so far as the interests of the people of this province are concerned? Does the Hon'ble Member with all his vaunted nationalism which he has expressed in connection with this Bill want to make the Trust as much officialized or Europeanized as he can? Is that what he is aiming at? If not, what is the reason for making these provisions in the Bill? It is for these reasons that I suggest that the word "persons" should be put in instead of the word "non-officials".

I submit, Sir, that I for one shall judge the Hon'ble Member, from his attitude towards these two amendments, whether he is really going to bring in *Swaraj* in the country by his measure. I want to see whether he really wants to renovate the waterways of Bengal or deliver us to the European members of this House bound hand and foot.

Mr. C. R. SUMNER: I rise to oppose these two amendments which have been moved by my friend, Mr. Narendra Kumar Basu. Sir, I do not think that if a representative of Inland Navigation interests is included in the Board of Trustees the skies will fall; nor do I think that the point which Mr. Basu has put forward is the only one for consideration. Furthermore, it is worthwhile bearing in mind that in his Note of Dissent to the Select Committee's Report these opinions had no place. (MR. NARENDRA KUMAR BASU: I would request my learned friend to kindly read my note on page 2.) Mr. Basu's view was purely that the Trustees elected under this sub-section should be non-official. I do not think that this has any connection with the inclusion of a representative of Inland Navigation interests on the Board.

Yesterday, my friend, Khan Bahadur Maulvi Azizul Haque, visualised an hypothetical and regrettable situation which might arise, possibly at a place such as Comilla, in which an eminent local man possessing transport knowledge would be excluded from representation on the Board by reason of his not being eligible, and he appealed to the House to avoid the loss of such expert knowledge to the Trust.

Sir, I hope that my remarks will enable the House to appreciate that in this matter which we are now discussing the same position arises to a far more outstanding degree, and also why this clause of the Bill should be accepted as it stands.

Here we have in view a Board which it is desirable should include, so far as may be practicable, the most expert experience of riverine matters in Bengal. That Board will, in its regular and frequent meetings, be confronted with problems of every description and of the most intricate nature. I think all of us will agree that river conservancy matters are most intricate—to the point that even experts are famous for disagreeing as to the best way of tackling them.

Sir, in such a position it seems that to deliberately exclude what is probably the most valuable source of expert knowledge would be a most extraordinary and unwise proceeding. Probably, the Hopkyns Committee did not to the fullest extent appreciate this point. The Inland Navigation Companies (hitherto this is mainly true of what are usually referred to as the Joint Steamer Companies, but it does not follow that this will always be the case)—the Inland Navigation Companies have for very many years maintained a large staff of marine officers whose whole business lives are spent on the rivers, studying their vagaries and accumulating what must surely be unique knowledge of their problems. Many of these officers have been so employed for periods which extend to 30 and even 40 years.

Sir, I do not suggest that these experts would themselves be available on the Board. But the deliberations and the decisions of the Board could not but be facilitated by the fact of their expert knowledge being available at any and all times, in the day-to-day problems which will come up for consideration and action, through the representative of transport interests, and it would be foolish deliberately to reject such a source of assistance.

It may be that my friend, Mr. N. K. Basu, would suggest that all this accumulated experience can on occasion be called upon in special matters, as and when required. Sir, to that I would reply that in practical working the Board will spend most of its time dealing with intricate problems, and that this arrangement would not in the least be the same thing as they being at all times automatically able to avail of it.

Sir, there is one other point. In what way is it apparently considered that the presence of a transport representative is going to obstruct or to vitiate the actions and decisions of the Board? He is, after all, but one unit in a body of some 12 Trustees. By all means let us have him, and the immense fund of expert experience which is behind him, available on the Board.

I beg to oppose the amendments.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, my friend, Mr. Narendra Kumar Basu, has referred to the report of the Hopkyns Committee and said that that report is sacrosanct and ought not to be in any way tampered with or objections taken against it. So far as self-government is concerned, the whole principle of self-government is based on one popular theory that the person who pays the piper has the right to call for the tune. In this case if anybody is contributing anything to this fund, it is the steamer companies. They are the persons who will have to bear probably four-fifths of the total expenses. If that is so, one of their members ought to be there to find out how the money they are contributing is utilised. I believe it is not at all wrong on their part to ask for it. I do not understand what reason is there for Mr. Hopkyns and others to come to the conclusion that the expert which the steamer companies can supply should not find a place on this Board. After all, the steamer companies have been giving transport facilities to the people of East Bengal so long, and I see no reason why they should be deprived of a seat on the Board. I, therefore, strongly oppose the motion that has been moved by my friend.

Mr. S. M. BOSE: Sir, I beg to support Mr. N. K. Basu's amendment No. 72. I submit that it is beyond all question a settled principle that no person interested should have a seat on any committee or board. We are all aware of the law as laid down in the Bengal Municipal Act, the Calcutta Municipal Act and other Municipal Acts. Those persons who are interested are absolutely excluded from the privilege of having a seat. That rule is taken from a well-established principle of English law, I do not think anybody can mention in any civilised state, any board in which a person who is vitally interested has a seat. I submit that in clause 5(*g*) an absolutely new principle unknown to any other civilised country has been introduced. We should be very careful in upsetting an accepted rule. As regards Mr. Sumner's point that a parson with expert knowledge should be on the Board, I say, as pointed out by Mr. N. K. Basu, that expert advice is always available. So there is no need of having an interested expert on the Board. On these two grounds, I support the amendment.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I suppose Mr. Sumner as well as Nawab Musharruf Hosain who have opposed this motion are very well acquainted with business and Company Law and also with the principle that no person who is a director of a company can vote on a matter which comes before the board in which he is interested. The steamer companies will be the persons who will be most vitally interested in this matter and they will vote. That would be going against the principle accepted in the Company Law. Then again in the Calcutta Corporation no person who has any interest in any contract with the Corporation can be a candidate for election. Following the argument

of Mr. Sumner it may very well be said that the engineering firms of Calcutta who have got a large amount of expert knowledge with regard to the numerous problems that arise in connection with the administration of the Corporation of Calcutta should be represented on the Corporation. I am glad that the Hon'ble Minister in charge of Local Self-Government is not here, because had he been here, it might give him an idea to incorporate these novel principles when he next tries to amend the Calcutta Municipal Act. However, we have got the opinion of the Hopkyns Committee and the principle on which it is based that persons who are financially interested or who are interested in any way in the operations of the Trust, either individually or collectively, should not have any place on the Board. What has been said up till now against this principle? Nothing. Mr. Sumner has also been good enough to tell us that by reason of this clause we cannot expect to have those real experts on the Board who have spent 30 or 40 years of their lives in studying the vagaries of the rivers but of their masters. Well, why get advice from these people when we can get real and direct expert advice otherwise? The work which is now being done by the Joint Steamer Companies with regard to the study of the rivers will be done in future by the Waterways Board, and I am sure that as soon as the Waterways Board comes into existence and begins to function, the Joint Steamer Companies will begin to shed their surplus staff if they care for their profits. If they do not do that, it would be a mere duplication of work. Therefore, the expert knowledge of the steamer companies will begin to diminish in the inverse ratio as the Board begins to function. Therefore, there would be no justification for having on the Board an expert from this source.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Mr. President, Sir, my friend Mr. Narendra Kumar Basu is pleased to say that the reason why I did not take any objection to the clauses as they are, was because I wanted to conciliate the Bengal Chamber of Commerce and the steamer companies. Sir, I entirely and absolutely repudiate such a thing. I have never tried to conciliate any person or any body of persons; in all my life the one person whom I have tried to conciliate is God. I have never tried to conciliate any person. In fact that is not my way of life at all. The position is this: If my friend will remember, at the time of the introduction of the Bill I myself read out pertinent portions from the Report of the Expert Committee where they distinctly laid down that there shall not be Trustees on the Waterways Board that have any connection with steamer companies or other companies who are interested in the working of the Board. Therefore, it is hardly worth while for Mr. N. K. Basu to re-read those particular passages. What I added was that the Select Committee actually went behind the recommendation of the Expert Committee when by a majority they agreed to have on the

Board some one to represent the steamer companies and I only accepted that recommendation of the Select Committee and no more. Therefore, I am afraid the eloquence of my friend, Mr. Narendra Kumar Basu, has been wasted in the desert air. I am, however, prepared to accept amendment No. 73, which is to be moved by Khan Bahadur Maulvi Azizul Haque, which confines it to "not more than one" member instead of the word "one": I am quite prepared to accept it. My position is merely this: that I am going to act on the recommendation of the Select Committee——(MR. NARENDRA KUMAR BASU: Which, however, you have been pleased to flout in other cases.) I deny it. Then, there is another point and that is in connection with Mr. Basu's amendment No. 72 where he desires that I should put in the word "non-official" instead of the word "person". Sir, this cuts both ways. When he read out that particular passage from the Expert Committee's Report it was quite evident that the Expert Committee also laid down that there shall not be any person connected with any departments of Government. Government have also accepted this opinion of the Expert Committee and you may rest assured that Government will stand by that opinion. (MR. NARENDRA KUMAR BASU: Then, why not accept the amendment?) The reason why the door should not be closed entirely was given yesterday by certain members who had stressed the point that it might be necessary on important occasions to have, on the Trust, an expert who may be in the employ of Government, for instance, the Director of Public Health and others: why shut the door, why not leave it open and take the view that in accepting this recommendation of the Expert Committee Government have no intention of adding an official as a member of the Board? But all the same it is necessary that such a provision should be there, should occasion arise, to call in somebody whose opinion and advice might be of first-rate importance in many matters. I may ask my friend, Mr. Basu, to be absolutely certain that never had I had any intention in the past or present or shall in the future have any intention to conciliate any person or anybody: I have never played to the gallery, never intended to do so and never will do so. (MR. NARENDRA KUMAR BASU: You will not be here, forever, Sir.) The reasons I have given are really cogent and important reasons why the clause should remain as it is, and as regards the question of having some one representing steamer companies, I have already given the reasons in this House, namely, that their addition may be helpful to the Board. Sir, I should like to repeat that Government are prepared to stand by the report of the Expert Committee, but as the Select Committee by a large majority accepted the other view——

Mr. NARENDRA KUMAR BASU: With great respect, may I ask if the Hon'ble Member is entitled to say that the majority of the Select Committee was large or small: a majority of 6 to 4 is hardly a large majority, in any case.

Mr. PRESIDENT: I should think that that is a matter of opinion.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: Anyhow the Select Committee's recommendation is there and I merely wanted to explain the position and how it was arrived at. As I have said, I went very carefully into the Expert Committee's Report at the time when I asked this House to take the Select Committee's Report into consideration. The Select Committee went behind the recommendation of the Expert Committee when they made this important change. With these words, I oppose both the amendments.

Mr. Narendra Kumar Basu's motion that in clause 5(*g*), line 1, for the word "persons" the word "non-officials" be substituted, being put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Banerjee, Babu Jitendralal.
Barman, Babu Prem Hari.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Dr. Jogendra Chandra.
Choudhury, Maulvi Nurul Absar.
Das, Rai Bahadur Satyendra Kumar.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratna.
Hakim, Maulvi Abdul.
Hoque, Kazi Kmdadul.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mukhopadhyay, Rai Sahib Surat Chandra.
Quasem, Maulvi Abul.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Sahana, Babu Satya Kinkar.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.

NOES.

Afzal, Rawabzada Khwaja Muhammad, Khan Bahadur.
Ali, Mr. Altaf.
Banerji, Rai Bahadur Sailendra Nath.
Birkmyre, Mr. H.
Bottomley, Mr. J. M.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Das, Rai Bahadur Kamini Kumar.
Dutt, Mr. S. S.
Edgley, Mr. N. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Faruqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dilduar.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Hoque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Martin, Mr. O. M.
Mitter, Mr. G. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Momin, Khan Bahadur Muhammad Abdul.
Nag, Babu Suk Lal.
Nazimuddin, the Hon'ble Mr. Khwaja.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abdur-
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. S. N.
Roy Choudhuri, Babu Hem Chandra.
Sarker, Rai Bahadur Rabati Mohan.
Sen, Mr. S. R.
Steven, Mr. J. W. R.
Sumner, Mr. C. R.
Townend, Mr. H. P. V.
Walker, Mr. W. A. H.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The "Ayes" being 28 and the "Noes" 45, the motion was lost.

Mr. Narendra Kumar Basu's motion that in clause 5(*g*), lines 2 to 5, the words beginning with "of whom one" and ending with "jurisdiction of the Board" be omitted being put, a division was taken with the following result:—

AYES.

Ali Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Dr. Jogendra Chandra.
Chowdhury, Maulvi Abdul Ghani.
Choudhury, Maulvi Nurul Absar.
Fazlullah, Maulvi Mahammad.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Khan, Maulvi Tamizuddin.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra
Quasem, Maulvi Abul.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Rout, Babu Hemal.
Ray, Mr. Sarat Kumar.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.

NOES.

Afzal, Nawabzada Khwaja Mohammad, Khan Bahadur.
Banerji, Rai Bahadur Saileendra Nath.
Birkmyre, Mr. H.
Bottomley, Mr. J. M.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dutt, Mr. B. S.
Edgley, Mr. H. G. A.
Gusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dilduar.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. S.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Martin, Mr. C. M.
Miller, Mr. C. C.
Mitter, the Hon'ble Mr Provash Chunder.
Mitter, Mr. S. C.
Momin, Khan Bahadur Mohammad Abdul.
Nazimuddin, the Hon'ble Mr. Khwaja.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abdur-
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. R.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Ray, Mr. S. N.
Sahana, Babu Satya Kinkar.
Sarkar, Rai Bahadur Rebati Mohan.
Sen, Mr. B. R.
Steven, Mr. J. W. R.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. W. A. M.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The "Ayes" being 26 and the "Noes" 47, the motion was lost.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that in clause 5(*g*), line 2, for the word "one" the words "not more than one" be substituted.

I want, Sir, to make my intention clear and say that while I am in sympathy with the draft as proposed by the Select Committee, namely, that there should be representatives of the water transport in the Board, I am not in favour of giving them over-representation, and I want to make it absolutely clear that so far as this amendment is concerned, what the Select Committee intended was to confine it to one representative of the Board. It has been said that the steamer companies are as

much interested, but I think you are approaching it from a wrong standpoint. It is not because the steamer companies are interested that the Select Committee considered that they should be given representation but that the Select Committee thought that the steamer companies will be taxed, but surely even though they are going to be taxed, it is not desirable to give them over-representation——

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: It will shorten the discussion if I say, that I am prepared to accept the amendment, No. 73, which has been moved by my friend the Khan Bahadur.

The motion was put and agreed to.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that after clause 5(*g*), the following be added, namely:—

"(*h*) two representatives of the district committees as constituted under section 49A of the Act".

We have given representation to the steamer companies, we have given representation to the district board and to other interests, and I think it is only fair that the Waterways Board created in the district should take some interest in these bodies. It is true that some of them at least will be represented by sending not more than three trustees, but my object is this, that they will be casual members, they will not be permanent members of the Board, and it is eminently desirable that these people should have some representation.

Probably the Hon'ble Member will point out that there will be too much expense. Surely, the Irrigation Department which can maintain 9 superfluous officers for many years will not grudge a little more expense on the ground that *mufassal* interests should be properly represented. It will probably be said that this is not the recommendation of that sacrosanct Committee, the Hopkyns Committee. As has been pointed out repeatedly that Government does not accept the proposals of this Committee as a whole, and have only accepted the recommendations of the committee to their choice. The committee recommended that the district committees should not only function and advise the Waterways Board but also perform certain other functions in connection with agriculture and sanitation, Government cannot accept this. Nobody knows what has been the fate of the other recommendations of the Committee, namely, that Government should constitute a co-ordinate body to expedite proposals coming from the *mufassal*. This recommendation has not been given effect to. I do not also know what the fate of the other recommendations has been. There are certain other recommendations of the Committee which

have not been accepted. The Hopkyns Committee definitely recommended that the Port Trust should make annual contributions. Government has not yet ventured to come forward with a proposal before the House, and why? Why was the recommendation of the Hopkyns Committee not given effect to? If the Hopkyns Committee's recommendation is so sacrosanct, I understand that at least some explanation would be forthcoming as to why its other proposals have not been accepted. I pointed out that one of the recommendations was that the Trust should receive an annual grant from Government based on its net expenditure which was put on a moderate estimate at 12½ lakhs. Surely, Government placed all materials before the Committee and the Hopkyns Committee considered the matter from every point of view. Why is it that Government has abandoned that idea of giving 12 to 13 lakhs which was the recommendation of the Hopkyns Committee? No explanation has been given. On the other hand, Government has conveniently brought forward a new formula in place of the formula enunciated by the Hopkyns Committee, viz., not the next average expenditure of the previous three years, but the saving to Government, and Government has accepted it without assigning any reason whatsoever. I do not accept it but for the fact that in this House we have been treated so much with this new gospel of the Irrigation Department that it is right for me to point out that it is this very gospel that the Hon'ble Member has not thought fit to give due regard so far as this recommendation is concerned. I would point out one more instance, and that is this: the definite recommendation of the Hopkyns Committee was that to prevent delays due to inter-departmental references a Central Committee consisting of representatives of departments should be formed to advise the Minister in charge of the Local Self-Government Department who should deal with improvement schemes on the advice of this Committee. What has the Government done on that recommendation? I mean recommendation No. 14. Have we ever heard a word in this House except, Sir, that this is a sacrosanct document and we must accept it. How did the Government accept the other proposals? When this proposal was for the first time initiated in this House by a gentleman whose memory and fame are still going round and round both in this Council and outside—I mean Mr. Addams-Williams, he said this: "I am authorised to state that this question of the formation of the Committee is under the consideration of Government. I cannot tell you exactly what form that Committee will take but probably it will take the form of a technical committee for the present, that is to say it will do certain work and prepare a way for a number of official and non-official committees." Has the Government cared to accept that recommendation? I pause for a reply. And may I say that I have not got an answer from the Hon'ble Member. (THE HON'BLE ALHADJ NAWAB BAHADUR SIR ABDELKERIM GHUZNAVI, OF DILDUAR: Yes, you will have it presently.) I feel, Sir, that on these matters

Government has suitably changed the recommendations of their Committee in order to suit their requirements. It is desirable that the point of view of the *mufassal* should be brought into that Committee. After all you are giving representation to commercial bodies, to everybody except *mufassal* interests which are vitally affected and which will be represented by only two members, and my modest request is that they should be represented by two more members. They have no permanent representative on the Board. With these words I commend my amendment to the acceptance of the House.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: Sir, my friend paused for a reply—but he did not pause sufficiently long for a reply. (KHAN BAHADUR MAULVI AZIZUL HAQUE: I did pause sufficiently long.) Well, I said that a reply would be forthcoming presently. In the first place let me point out to him that Government have their eyes on this report all the time. When he referred to the question of the contribution from the Port Trust and added that Government dropped the proposal like a hot potato, his information was not complete. May I say that it was nothing of the kind. The matter is still under consideration and as it will have to be taken up separately it has not been taken up in connection with this Bill. It will have to form a subject of correspondence between the Local and Central Governments.

As regards the other points which the Khan Bahadur mentioned, I may ask him to turn to clause 10 of the Bill. He will find there that the purpose contemplated by this amendment, has already been served by clause 10 of the Bill. (KHAN BAHADUR MAULVI AZIZUL HAQUE: Certainly not.) I emphatically say yes. The Hopkyns Committee have clearly explained in their report what was meant by association of the rural areas, and in their opinion it was ample if district committees were set up, and when a particular district was interested in a matter, when a particular scheme concerned a particular district, the members of the district committee would automatically be summoned to the Board and their help and advice would certainly be sought. If the Khan Bahadur would again take the trouble to turn to clause 63 of the Bill he will find that "a district member from the district committee of each district in which any portion of the work is proposed to be executed, shall, subject to the provisions of section 10, be summoned to any meeting of the Board at which a district scheme which is a major work is to be dealt with under section 62". Therefore, the recommendations of the Committee have been given, I claim, full effect and the machinery has been so constructed and so constituted that at every stage of the work district opinion—rural opinion—would be fully and amply consulted. The proposal of adding two more members to the Board of Trustees is a proposal which I regret I cannot accept on the

very same principle which I stressed so much yesterday, namely, that we do not want a body to be constituted that will be too bulky and unwieldy. The number has already been doubled from what the recommendation of the Hopkyns Committee was and it will be an act of unwisdom to add to it any further. For these reasons I beg to oppose this motion.

The motion of Khan Bahadur Maulvi Azizul Haque being put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Nausher.
Banerji, Mr. P.
Chowdhury, Maulvi Abdul Ghani.
Faziullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Momin, Khan Bahadur Muhammad Abdul.
Quasem, Maulvi Abdul.
Rahman, Maulvi Azizur.
Ray, Babu Amulyadhan.
Roy, Babu Noconi.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Banerji, Rai Bahadur Sailendra Nath.
Basu, Babu Jatindra Nath.
Bose, Mr. S. M.
Bottomley, Mr. J. M.
Chaudhuri, Khan Bahadur Maulvi Nazzar Rahman.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Mr. S. S.
Edgley, Mr. R. G. A.
Faroqui, the Hon'ble Nawab K. B. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dilduar.
Gilchrist, Mr. R. N.
Gupta, Mr. J. N.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hussain, Maulvi Latafat.
Khan, Mr. Razaur Rahman.
Law, Mr. Surendra Nath.
Martin, Mr. C. M.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Mittra, Babu Sarat Chandra.
Nazimuddin, the Hon'ble Mr. Khwaja.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abdur.
Rai Mahasai, Manindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Roy, Mr. S. N.
Sadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarkar, Rai Bahadur Rohati Mohan.
Sen, Mr. B. R.
Townend, Mr. H. P. V.
Wilkinson, Mr. N. R.
Woodhead, the Hon'ble Mr. J. A.

The "Ayes" being 18 and the "Noes" 43, the motion was lost.

At this stage the Council adjourned for 15 minutes for prayer.

(After adjournment.)

Babu AMULYADHAN RAY: Sir, I beg to move that after clause 5 (*g*) the following new clause be added, namely:—

"(*h*) two persons to be appointed by the Local Government to represent the interest of the agriculturists of the Province."

Sir, I am surprised at the attitude taken by the Hon'ble Member in charge of the Bill in refusing to accept almost all the popular amendments. I do not understand why he is neglecting the interest of the cultivators of the country and why he is so very fond of the traders, Indian or European, who have undoubtedly conflicting interests with those of the cultivators. May I ask the Hon'ble Member why he is placing this Waterways Board in the pocket of the mercantile community? Has he made any provision for direct representation of the cultivators? The interests of the cultivators who form 80 per cent. of the population of the province are much greater than those of all other persons who depend on the cultivators. I submit that there must be some provision in the Act by which direct representation of the cultivators on the Board should be secured.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to give my wholehearted support to the amendment moved by my friend, Babu Amulyadhan Ray. If, any class of people require representation on a Board like this, I think it is the agriculturists of Bengal. The Hon'ble Member himself knows what havoc the Kristopur canal has caused to the surrounding areas. He has himself seen that with his own eyes and he cannot deny that a great mistake was committed when that canal was constructed without any regard to the conditions of the surrounding areas. Similar mistakes may be committed in future. Therefore, it is very necessary that there should be some representation of agricultural interests on a Board like this. The mercantile community and the river transport companies have been given representation on the Board, and in the case of the latter it has been said that they should be represented because they will be the main tax-payers under the proposed Act. If that is so, is it not reason enough why the agriculturists should be represented? Who are the ultimate taxpayers? It is the agriculturists. Therefore, from the viewpoint of tax-paying, the agriculturists should be represented on the Board. Further, the interests of the agriculturists may be affected in various other ways by mishandling of waterways. Therefore, there is no reason why they should not be given some special representation.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I naturally support this amendment as I supported the amendment for a larger representation of agriculturists before. Speaking on my amendment the Hon'ble Member apart from his digressions into a portion of German literature brought forward certain other things in which there was no argument but a considerable amount of fierceness redolent of the forests of which he is in charge. The argument that the waterways are things in which the agriculturists are most vitally interested is unanswerable, and the least that Government can do is to accept this amendment which provides for the least representation of the agriculturists.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: There is a saying that if the cap fits you, you can put it on. Dr. Sen Gupta, it seems, relished what I said about the German jurist and philosopher. I have great sympathy with the mover of this amendment. Naturally I desire that the interests of the cultivators should be represented on the Board. I can also say about my friend, Maulvi Tamizuddin, that I have always considered him to be a very conscientious man. He represents more than anyone else, if I may say so, the true interests of the cultivators. I am sure it cannot be said of him "Oh Lord, save us from our friends"! There does not seem to be any bar to Maulvi Tamizuddin himself coming into the Board as a representative of the cultivators. There is every chance of his coming into the Board and nobody can be more competent to represent the interests of the cultivating classes than him. The actual clause is the one in which provision has been made by which Government can appoint three members of the Trust. Naturally I think Government when making these appointments will take into consideration the various aspects of the case and will come to a certain decision, but at this stage it would be wrong to tie the hands of Government in any way. For this reason I oppose the amendment.

Babu Amulyadhan Ray's motion was then put and lost.

The motion that clauses 4 and 5, as amended, stand part of the Bill was then put and agreed to.

Mr. PRESIDENT: New clause 5A does not arise.

Clause 6.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 6, line 1, for the words "The Chairman," the words "the first chairman" be substituted; and the following be added at the end, namely:—

"and subsequent chairmen shall be appointed by the Local Government on the recommendation of Board."

My reasons for moving this amendment are quite apparent. The purpose of the Waterways Board is to constitute a self-governing body, which will be in charge of the waterways and Government is to relieve itself of the charge of the waterways and transfer it to the Board. For this purpose it is not necessary that Government should have the whip-hand and have the power to appoint the Chairman for all time to come. I therefore suggest that the Local Government should appoint the Chairman on the recommendation of the Board. There is no want of precedent for this proposition. There are propositions like this almost everywhere. If the Government is constituting a Board for the performance of this important function and if

they are so eminently satisfied with the constitution that they have framed, as the Hon'ble Member's speeches in this Council would have us believe, then there is some justification for our asking that the Board should have the confidence of the Government. If the Board has not got the confidence of the Government, then do not bring it into existence. If it comes into existence at all, it ought to have the confidence of the Government; and it should be so constituted as to have the confidence of the Government; but this very clause seems to show that Government is going to start with a distrust of that body——

Mr. L. R. FAWCUS: May I intervene and say that Government are prepared to accept the principle of the amendment? But they would prefer to use the words actually used in the case of the Calcutta Port Trust Act, namely, that the Chairman shall be appointed by the Local Government after consultation with the Commissioners.

Dr. NARESH CHANDRA SEN GUPTA: I am thankful, Sir, for this very small mercy and I am prepared to accept the draft proposed by Mr. Fawcus.

Then the following motion of Dr. Naresh Chandra as amended was put and agreed to:—

That in clause 6, line 1, for the words "the Chairman" the words "the first Chairman" be substituted; and the following be added at the end, namely:

"and subsequent Chairmen shall be appointed by the Local Government after consultation with the Board."

Babu KHETTER MOHAN RAY: I beg to move that after clause 6 the following be added, namely:—

"Provided that no officer of the Government drawing a monthly salary below Rs. 1,500 be appointed Chairman."

The reason for this is that clause 6 provides that the Chairman of the Waterways Board will be appointed by the Government and there is no specific provision as to the class of officers from which the Chairman will be recruited by Government. Government may appoint any person, either an official or a non-official. Now, Sir, from the experience of the Calcutta Improvement Trust it can be assumed that this post for many years to come will be filled up from the ranks of officers——

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: Perhaps, Sir, it might shorten discussion if I rose at this stage and said that I am prepared to accept the amendment as it stands.

Khan Bahadur Maulvi AZIZUL HAQUE: I consider, Sir, that the Hon'ble Member should make some verbal changes in the proviso to make this matter clear. I presume it is certainly not the intention of Government that a Government officer will always be appointed. I submit that the proviso should be so altered as to mean that when a Government officer is appointed he should not be an officer drawing below Rs. 1,500.

The Hon'ble Member in charge of the Bill agreed.

The motion was then put in the following form and agreed to:—

"Provided that when the Local Government appoints an official he shall be an officer drawing a salary of not less than one thousand five hundred rupees a month."

The motion that clause 6 as amended in Council stand part of the Bill was then put and agreed to.

Clause 7.

Mr. L. R. FAWCUS: I think this amendment is consequential on motions Nos. 35 and 36 which we have already discussed.

Mr. PRESIDENT: Yes, I think so; this motion, therefore, does not arise.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to submit that it does arise, Sir.

Mr. PRESIDENT: Will Khan Bahadur tell me why does he think so?

Khan Bahadur Maulvi AZIZUL HAQUE: It arises in this way. There shall be 12 members of the Trust and it has been decided that the Chairman of the Port Commissioners shall be one of them. Now section 7 says that the Chairman of the Port Commissioners shall be a Trustee *ex-officio*. This portion has, therefore, been rendered redundant in view of the decision of this House on an earlier section, and would not be in consonance with that decision. But the latter part of the section is a substantial thing. If this amendment is carried, it will have this effect that, by virtue of the operation of clause 5 it is the Chairman of the Commissioners only who will be a member of the Board and he only, and not any other person. That being so, I beg to submit that the amendment is still in force.

Mr. L. R. FAWCUS: So far as I remember, Sir, in the debate on amendments Nos. 35 and 36, you ruled that amendments Nos. 84 and 85 would be consequential on amendments Nos. 35 and 36.

Mr. PRESIDENT: Does this amendment affect adversely the clauses or motions that the House has passed, or is it in any way incongruous with any earlier decision of this Council?

Mr. L. R. FAWCUS: I submit that the decision of this House on motions Nos. 35 and 36 will be rendered infructuous if this amendment of the Khan Bahadur is allowed to be moved and passed.

Dr. NARESH CHANDRA SEN GUPTA: I beg to submit that the second part of clause 7 is still the operating clause and it does not conflict with anything that we have passed, and would appear to be in order.

Mr. PRESIDENT: The Khan Bahadur's point is that the Chairman has already been made a member of the Board: so he need not be made a Trustee *ex-officio*.

Khan Bahadur Maulvi AZIZUL HAQUE: If I might explain again, Sir: If my amendment is carried, it will not mean that the Chairman of the Port Commissioners shall cease to be a member of the Board, for it has already been decided to include him in the Board. I do not speak of the drafting at all but still the second portion of the clause will continue to be operative by which the Chairman of the Commissioners will be entitled to delegate his duties to any other person. If this motion is carried, it will mean that the House does not want him to delegate his powers to anybody else. That being so, it will delete a redundant clause, namely, the first part of clause 7, and also delete the second part which would be operative, as it deals with a new matter, and to which I take exception.

Babu KHETTER MOHAN RAY: May I point out one fact in this connection, Sir? I draw the attention of the House to clause 5 (*b*), viz., the Chairman of the Port Commissioners or a person appointed under section 7. That has been passed and I do not know how it can be reopened.

Mr. PRESIDENT: If I understand the Khan Bahadur aright, he probably means that, having regard to the fact that the Chairman of the Port Commissioners has already been included as a trustee, it is not necessary to say in clause 7 that he will be a Trustee *ex-officio*: but, perhaps, the Khan Bahadur will change his mind if he will carefully go through 5 (*b*).

Khan Bahadur Maulvi AZIZUL HAQUE: I think on second consideration that I was wrong, for I find that clause 5 (*b*) says "the Chairman of the Port Commissioners or a person appointed under

section 7." That being so, I do not dispute the necessity of mentioning a person alternative to the Chairman. So, this motion of mine lapses, and is not necessary.

I accordingly don't move this motion.

Maulvi ABUL QUASEM: I beg to move——

Mr. L. R. FAWCUS: I beg to submit, Sir, that this amendment is out of order; the effect of this amendment would be to preclude the appointment of the Chairman of the Port Commissioners, which has already been agreed to by this House.

Mr. PRESIDENT: At any rate I am inclined to think that you are taking a wrong view of the matter and I call upon the Maulvi Saheb to move his amendment.

Maulvi ABUL QUASEM: I beg to move that in clause 7, line 3, for the words "another person", the words "one of the Port Commissioners" be substituted.

Sir, the object of having the Chairman of the Port Commissioners is the desirability of having the Port Commissioners as a body-corporate represented on the Waterways Trust. But this clause 7 empowers the Chairman of the Port Commissioners to appoint another person to do his duty on that Committee. Now, Sir, all we want is that the choice should be confined to the Port Commissioners alone and to none beyond them, because the best person to represent the Port Commissioners is either the Chairman or one of themselves. Therefore I have moved this motion in order to ensure that one of the Commissioners should be appointed by the Chairman and not anybody else.

Mr. L. R. FAWCUS: The effect of this amendment, if it were carried, would be, so far as I can see, to make it impossible for the Chairman to appoint any other person than a member of the Port Commissioners to the Trust. Surely, Sir, that would preclude the appointment of such officers as the Deputy Conservator or the River Surveyor either of whom might be extremely valuable members of the Trust. Although, they work for the Port Commissioners yet, they are not technically speaking, members of that body. I, therefore, oppose this amendment.

The motion was put and lost

Maulvi TAMIZUDDIN KHAN: I beg to move that in clause 7, line 3, after the word "person" the words "in his place" be inserted.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I accept this amendment.

The motion was put and agreed to.

The motion that clause 7, as amended, stand part of the Bill, was put and agreed to.

Clause 8.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I beg to move that in clause 8(2), line 1, for the word "persons" the word "members" be substituted.

This is only consequential. We have already decided that the members of different bodies shall be elected.

The motion was put and agreed to.

The motion that clause 8, as amended, stand part of the Bill was put and agreed to.

Clause 9.

The motion that clause 9 stand part of the Bill was put and agreed to.

Clause 10.

The motion that clause 10 stand part of the Bill, was put and agreed to.

Clause 11.

The motion that clause 11 stand part of the Bill, was put and agreed to.

Clause 16.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that in clause 16 in lines 1 and 2, the words "not less than" be omitted.

Sir, I find that the clause is this: "That the Chairman shall be appointed for a term of not less than three years....." That might be 10 years, 15 years, and I think the statute should not provide indefinite language like that.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I accept this amendment.

The motion was put and agreed to.

The motion that clause 16, as amended, stand part of the Bill, was put and agreed to.

Clause 17.

Khan Bahadur Maulvi AZIZUL HAQUE: May I take motions 100 and 105 together?

Mr. PRESIDENT: Yes.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that in clause 17(*1*), line 2, for the words "two thousand five hundred" the words "two thousand" be substituted, and also that in clause 17(*1*), line 2, for the words "two thousand five hundred" the words "fifteen hundred" be substituted.

My object is that it is no use at the initial stage of this Waterways Board to have all the paraphernalia of a Chairman with large emoluments. After all, the public life of Bengal has come to such a stage in which it will be possible for us to find out men who will be able to devote themselves to the work of the country on an allowance of say Rs. 1,500 or Rs. 2,000. Surely, it is not necessary to pay a man Rs. 3,000. After all, we have a Chief Engineer. The Chief Engineer will be the man round about whom the whole organisation will work, and the Chairman will have only executive functions. We know, for instance, in the Secretariat, the Secretary himself draws a lower salary than the Chief Engineer; surely, this does not affect the power of the Chairman if his salary is lower than that of the Chief Engineer. I do not think it will be impossible for us to find a man to work for Rs. 2,000 who will be able to devote himself to the work of a Chairman. In this unfortunate country we pay very high salaries; there must be some beginning at reduction. I consider at this initial stage, Rs. 2,500 as a start is too much. If it is not possible to get a man to do the work of Chairman on this salary, we add to it later on. At the same time there is the allowance which we might give within the limits of the present Act. Without doing so, I feel it is only fair and proper that we must not give too much salary, thereby exhausting all the money and creating posts when we have no work. We want work, not posts. Only such sums that are purely necessary should be provided. I formally move my amendments.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I am unable to accept the amendment moved by Khan Bahadur Maulvi Azizul Haque for the following reasons:

If you would only look at the wording of the clause, you will find that it does not provide that Government is going to appoint a Chairman

straight off. What it merely provides is this: "The Chairman shall receive such pay as not exceeding Rs. 2,500." That does not mean that Government will appoint the man on Rs. 2,500.

Next I should like my friend to bear with me when I tell him what the position is as regards the pay of the chairmen of the various other bodies with which he is so familiar. The Chairman of the Port Commissioners gets Rs. 4,000 and free quarters and in addition he has an allowance of Rs. 180; the Chairman, Calcutta Improvement Trust, gets Rs. 3,500 and he also has an allowance of Rs. 280; the Calcutta Corporation surely is a body that considered this question and what pay has that body fixed for the Chairman? His pay is Rs. 2,500 to Rs. 2,900 in addition to a lot of other perquisites such as allowances for motor car and what not. Let me draw attention to the salaries drawn by the chairmen of the various railways. The Chairman of the East Indian Railway gets a salary of Rs. 2,750 to Rs. 3,000. The Chairman, Bengal Nagpur Railway, the same figure, and the Eastern Bengal Railway the same figure. In the Public Works Department the Chief Engineer gets a pay of Rs. 2,750 to Rs. 3,000. Reference has been made to the Secretariat; the pay of the secretaries is Rs. 2,750. Having regard to all these things I think my friend will allow that the Select Committee acted wisely in deciding the pay at Rs. 2,700 providing that it shall not exceed that figure. Such being the case, I oppose the motion.

Babu AMULYADHAN RAY: I have great pleasure in supporting the amendment moved by my friend, Khan Bahadur Azizul Haque. I do not understand why the public servants in a poor country should be paid so highly. I want to say that public servants in a poor country will have to live in a poor fashion. Because the Chairman of the Port Commissioners or the Executive Officer of the Corporation gets Rs. 3,000 is no justification that the Chairman of the body, which we are going to constitute, should get Rs. 3,500. I am ready to pay him at the most Rs. 2,000 in case we are able to pay that, because, if we propose that the Chairman should be paid less than Rs. 2,000, it will not be acceptable to the Hon'ble Member in charge who himself gets Rs. 5,000. Why I am going to accept a proposal that the Chairman of the proposed Board will get Rs. 2,000 per month is that it should be the idea of everyone that a public servant should not get more than he requires; these gentlemen get too much pay now-a-days. They don't require so much for their living. Therefore, I suport my friend, Khan Bahadur Maulvi Azizul Haque.

Maulvi ABDUL HAKIM: Sir, I rise to support motion No. 105. In these days of economic calamity Rs. 2,500 as pay per mensem seems to be too much. Price of foodstuffs including other agricultural produce

has gone down roughly to 1/3rd of their original price and there is little chance of this economic calamity being over; hence pay of Government servants should be fixed in strict conformity with the price of foodstuffs in these hard days. Really speaking, the intrinsic value of Rs. 1,500 in these hard days is almost equal to Rs. 5,000 of better days. I may refer to another point that if the Chairman draws a high pay, the other officers under him shall also draw comparatively high pay and in that case the administration of this Board would be top-heavy like the present administration of our Government. Another point is that the Chairman would draw house allowance separately. Considering all these facts, the pay of the Chairman should not exceed Rs. 1,500. Highly paid officers of this Board will necessitate the imposition of high taxes upon people under this Act. And it would be a sorry matter if taxes are imposed upon small country boats called "dingi," "kunda" as well as plantain rafts used by poor cultivators and thereby another white elephant is maintained in this Board like other white elephants of our Government.

Kazi EMDADUL HOQUE: Sir, I beg to move that in clause 17(*1*), line 2, for the words "two thousand five hundred" the words "five hundred" be substituted.

I propose a much smaller salary than what has been proposed by my friend. I propose Rs. 500 only instead of Rs. 2,500. I do not see that there is any justification for giving a fat salary to the Chairman in these days of economic depression. Are we to remain satisfied with simply having a Waterways Board. Well, Sir, I want to place at the disposal of the Waterways Board sufficient funds for real work. It is no good having a Board like that proving abortive for want of funds. We find that in the top-heavy administration of Government lots of money are being taken away by the maintenance cost and very little is left for the actual work to be done. Now, Sir, it is a very funny thing in the top-heavy administration of this Government that whenever any proposal is put before Government, it sends one after another expert men to make enquiries after enquiries, not by one or two men, but by dozens of men. And after all things have been done, the matter is put off for want of funds. If funds are so very necessary for the real execution of the work it is one of the ways how funds can be made available. Sir, there are plenty of competent men who will be available to work as Chairman of this Board. In these days lots of brilliant scholars with foreign qualifications are sitting idle and they would be quite willing to take this office. So it is no use squandering away money in this way. The charge may be left to many gentlemen who are now looking for employment and they will very gladly work on Rs. 500 a month. May I ask the gentlemen who adorn those seats (Treasury benches) how they began their life? Many Government servants are drawing very large

salaries, but if their salaries be reduced by half I do not think they will give up their jobs. They would stick to them. In a poor country like ours and in a Board the work of which is to be tested, we should not appoint a Chairman on Rs. 2,500 but should give him at best of Rs. 500 a month. With these words I commend my motion to the acceptance of the House.

Babu KHETTER MOHAN RAY: On a point of order, Sir. Is this motion in order after the acceptance of my amendment No. 81 "that no officer of the Government drawing a monthly salary below Rs. 1,500 will be appointed Chairman"?

Mr. PRESIDENT: Is there any reason for you to presume that the Chairman must always be a Government official?

Mr. H. S. SUHRAWARDY: Is there no one among the protagonists of greater economy and lesser pay and possibly lesser efficiency who can reply to the rejoinder of the Hon'ble Member that the provision of a salary up to Rs. 2,500 does not imply that the person who will be appointed as Chairman will be paid Rs. 2,500 but that his pay will not exceed Rs. 2,500. I understood from the Hon'ble Member's rejoinder that he could appoint, that it was in his power or in the power of any gentleman who was in his place to appoint a person on Rs. 1,500 or Rs. 2,000 or on any amount up to Rs. 2,500. I think that should meet the requirement of the hon'ble gentlemen opposite. But the speeches that have been delivered seem to imply that it is the intention of Government to appoint a person on Rs. 2,500. If that is not so, I do not see what objection there can be to keep the clause as it is.

Dr. NARESH CHANDRA SEN GUPTA: Sir, the objection simply is this: that in the opinion of those members who insisted on a lower salary, the maximum they proposed was sufficient for the purpose of getting an efficient man, and to fix a high salary is always to lay open to Government the temptation to appoint a man on the maximum salary. I also submit that Rs. 2,500 or Rs. 1,500 to-day does not mean the same thing as it did 5 years ago. It means the equivalent of Rs. 4,000 or Rs. 3,000 five years ago.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I oppose all these motions. I have already given my reasons, and I do not think there will be any use repeating them.

The motion being then put, a division was taken with the following result:—

AYES.

Bakth, Maulvi Syed Majid.
Chaudhuri, Khan Bahadur Maulvi Allimuzzaman.
Chowdhury, Maulvi Abdul Ghani.
Faziullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Qasem, Maulvi Abdul.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Amulyadhan.
Ray, Babu Jitendra Nath.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Sulaiman, Maulvi Muhammad.

NOES.

Afzal, Nawabzada Khwaja Mahammed, Khan Bahadur.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Saileindra Nath.
Barma, Rai Sahib Panchanan.
Barman, Babu Prem Hari.
Birkmyre, Mr. H.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Dain, Mr. B. R.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Mr. B. S.
Edgley, Mr. H. G. A.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkarim, of Dilduar.
Gilchrist, Mr. R. R.
Hogg, Mr. G. P.
Hooper, Mr. B. G.
Hussain, Maulvi Latafat.
Khan, Mr. Rezaur Rahman.
Martin, Mr. C. M.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Nag, Babu Gah Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Raheem, Mr. A.
Ray, Babu Khetter Mohan.
Reid, the Hon'ble Mr. R. R.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. S. R.
Saadatullah, Maulvi Mahammad.
Sahana, Babu Satya Kinkar.
Sarkar, Rai Bahadur Rohati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. R.
Suhrawardy, Mr. H. S.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Townsend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The "Ayes" being 20 and the "Noes" 46, the motion was lost.

The other motion that in clause 17(*1*), line 2, for the words "two thousand five hundred" the words "fifteen hundred" be substituted was put and lost.

Kazi Emdadul Hoque's motion was also put and lost.

Maulvi ABDUL HAMID SHAH moved that for clause 17(*3*), the following be substituted, namely—

"(*3*) The Local Government shall determine on what scale and subject to what conditions the Chairman may draw travelling allowance."

He addressed the Council in Bengali.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I may explain to the mover of the amendment that it is not the intention of Government much less of the Hon'ble

Member that a licence fee or a tax, as he has been pleased to term it, should be imposed on *dinghis*, *buris*, etc. I should ask him to hold his soul in patience and see when the time comes whether any fee is imposed on all and sundry country boats. I do not think it is possible for me to accept the amendment, as it stands, and I do not think it is necessary for me to waste the time of the Council any more. I oppose the amendment.

The motion was put and lost.

The motion that clause 17 stand part of the Bill was put and agreed to.

Clause 17A.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 17A, lines 3 and 4, the words "subject to any exceptions, permitted by the Local Government" be omitted.

Sir, this is not the first statute or rule in which a clause like this has been incorporated, but this clause is a novel one. The Chairman is to be a whole-time officer of the Board. He is expected to devote his whole time to the work of the Board. He is to receive a salary which is fixed for him by statute subject to the sanction of the Local Government, but the Local Government may permit him to absent himself from his duties when it chooses. The Board may want him very badly for doing the work of the Board, but the exception will be made by the Local Government in the matter of his absence from the work. This is extraordinary. I know that there may be other things which this very useful gentleman who will be Chairman of the Waterways Board will be called upon to do, either by way of honorary public service or otherwise; for instance, when you say that he shall devote his whole time and attention to his duties to the Board under the Act, nobody understands that he would be a slave who would be literally devoting every minute to the work of the Board. But he will be required to be at his post whenever his duties so require and he will not be allowed to absent himself for other purposes when his duties require him to be there. That is the meaning of this sentence. To that an exception is sought to be introduced that he may not devote his whole time and attention if the Local Government sanctions his not doing so. I could have understood it, if it had been put that he might absent himself from his duties by leave of the Board or with the sanction of the Board he might do other work. I could have understood that, but while he is an officer of the Board the Local Government has got the power to give him the dispensation for doing other work; that is wholly unintelligible.

Mr. L. R. FAWCUS: Dr. Sen Gupta's point is that so long a person is Chairman of the Trust, he should not be allowed, while in office, to

take up any other work even with the sanction of the Local Government. I do not think he is right. Supposing, for example, an important committee of enquiry or a commission is appointed by the Local Government surely Government should have power to permit him to work as a member of that committee.

Dr. NARESH CHANDRA SEN GUPTA: That was not my point.

Mr. L. R. FAWCUS: I thought that Dr. Sen Gupta's point was that, even with the permission of the Local Government the Chairman should not absent himself from his duties in the Trust. I was going to say that there might be a necessity for him to do so. My point simply is that with the permission of the Local Government the Chairman should be competent to act as a member of an important Committee or Commission. I, therefore, beg to oppose the amendment.

Dr. NARESH CHANDRA SEN GUPTA: Will the Local Government pay the salary of the Chairman during this time?

Mr. L. R. FAWCUS: That, Sir, will be determined on the merits of the case.

The motion was put and lost.

The motion that clause 17A stand part of the Bill was put and agreed to.

(At this stage the Council was adjourned for 15 minutes for prayer.)

(After adjournment.)

Clause 18.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that in clause 18, lines 2 and 3, the words "on the occurrence of a vacancy in the office of Chairman" be omitted.

As the clause has been drafted it means that after appointment, if there is a vacancy, then the Local Government may appoint a person without pay. My intention is that it might be left open to the Local Government even to appoint the Chairman without pay from the very beginning. I do not know of course what Government's intention is, but I move this motion in order to make it clear.

Mr. L. R. FAWCUS: Government are prepared to accept this amendment.

The motion was put and agreed to.

The motion that clause 18, as amended in Council, stand part of the Bill was put and agreed to.

The motion that clause 19 stand part of the Bill was then put and agreed to.

Clause 20.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that in clause 20(2), line 2, after the words "house rent allowance" the words "or any other allowance" be inserted.

My purpose in moving this amendment is that we are visualising that it might be possible for the Local Government to give an allowance to the person whom they appoint as Chairman without pay. That being so, it may be necessary that, apart from the house-rent allowance, other allowances should be given. I therefore formally move the amendment.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM CHUZNAVI, of Dilduar: I accept the amendment, Sir.

The motion was put and agreed to.

The motion that clause 20, as amended in Council, stand part of the Bill was then put and agreed to.

Clause 21.

Maulvi ABDUL HAKIM: I beg to move that in clause 21, line 2, after the word "office" the words "on account of his immoral character or otherwise" be inserted and in line 3 after the word "neglect" the words "in the discharge of his duties" be inserted.

Sir, my motion is divided into two parts—the first part deals with the words "immoral character" and the second part with the word "misconduct." As regards the second part, from a talk with the Hon'ble Member in charge of the Bill I came to learn that the word "misconduct" really means "misconduct in the discharge of his duties." If that be so, I do not want to lay much stress on the word "misconduct" and I am prepared to give up that portion of my amendment. But, Sir, as regards the first part, I cannot but lay great stress on the word "immoral." There is indeed a great deal of difference between "character" and "conduct." For example, if an officer is addicted to licentiousness or to any other vice, I think he commits a greater offence than what is meant by the word "misconduct," as by indulging in any such vice he spoils the very essence of his manhood as it were. So I think there is great difference between these two expressions. I think therefore that there should be some

clear provisions for punishing an officer who indulges in vices, and the words suggested in the first part of my amendment will secure his punishment. I therefore hope that the Hon'ble Member even if he takes exception to the second part of my amendment, will be pleased to accept the first part.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I have every sympathy with the mover of this amendment. I share his views entirely that a man who is of immoral character does not deserve to be in a place of public trust: that is perfectly true; but I presume that the word "misconduct" covers it. Furthermore, if such stress was put in the Bill on immoral character it would lay an officer open to any unfounded charges being brought against him by his enemies, and anybody and everybody could come forward and trump up a charge against him. Besides it is not dignified to put in the words "immoral character" in the Bill. I, for one, believe that the word "misconduct" will suffice. If that is so, I do not think there is any need of further stressing the conduct of the man. I think if the mover will look at a dictionary he will find that "misconduct" covers "immoral character." Therefore I consider that there is no necessity for the amendment. So I oppose it.

The motion was, by leave of the Council, withdrawn.

The motion that clause 21 stand part of the Bill was then put and agreed to.

Clause 22.

Maulvi TAMIZUDDIN KHAN: I beg to move that to clause 22 at the end, the words "in any one year" be added.

When I read this clause I could not make out the real meaning. It seems ambiguous. It is said that the Board may grant leave of absence for any period not exceeding six months, but whether this is in one year or during the whole term of the Board or at one stretch, that is not clear. What seems to be reasonable is that not more than six months be granted in one year. I do not know what the intention of Government could be——

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to point out that if you make it in one year, it will be correct. Let us for the sake of argument suppose a year ends in December, it will be quite possible for a member going on leave to be given 5 months and 26 days in that year, and 3 days at the beginning of January in the next year. Roughly that will be two days short of six months in one year. That will be the difficulty.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I am afraid, Sir, this amendment defeats its own purpose. I oppose it.

The motion was, by leave of the Council, withdrawn.

The motion that clause 22 stand part of the Bill was then put and agreed to.

Clause 23.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 23, in line 1, for the word "may" the word "shall" be substituted.

I move this for several reasons. Clause 23 provides that "The Local Government may, by notification, declare that any Trustee shall cease to be a Trustee—

(*a*) if he has acted in contravention of section 38."

Looking at 38 we find a very serious thing. "A Trustee or a district member who—

(*a*) has, directly or indirectly, by himself or by any partner, employer or employee, any such share or interest as is described in sub-section (*2*) of section 10(*11*) in respect of any matter, or

(*b*) has acted professionally, in relation to any matter, on behalf of any person having therein any such share (of) or interest as aforesaid,

shall not vote or take any other part in any proceeding of the Board referring to such matter."

A trustee who has such interest in a local board, may have noted by concealing his interest. That is a very serious thing and it ought not to be left to the discretion of the Government to declare his seat vacant. If he is absent from or is unable to attend, the meetings of the Board for any period exceeding six months, that again leaves the Board in a state of suspense. A member may be absent for a year, well Government may not declare his seat vacant. I do not want the discretion to be left to Government.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I am in sympathy with my friend so far as the word "shall" is concerned. The word occurs in section 38, it also finds a place in section 23(*2*). But as regards (*b*) and (*c*) it is obvious that it may be permissive. The Local Government may, if

they think that there is sufficient cause, condone the thing on their part. Perhaps if you accept my amendment as suggested, I am willing to have it put in that form.

Dr. NARESH CHANDRA SEN GUPTA: I am prepared to accept it in this way. In clause 23(*1*), sub-clause (*i*) be deleted; and in sub-clause (*2*), clause (*a*) be transferred to sub-clause (*ii*).

Maulvi SYED MAJID BAKSH: In that case my amendment should come first because it refers to clause (*1*). This refers to (*2*).

Mr. PRESIDENT: No. I think Mr. Sen Gupta's amendment should run thus in order to give effect to the compromise arrived at: "That sub-clause (*a*) of clause 23(*1*) be transferred under clause 23(*2*)(*ii*) as sub-clause (*iii*)."

The motion was amended accordingly and agreed to.

Maulvi SYED MAJID BAKSH: I beg to move that in clause 23(*1*)(*c*), in lines 2 and 3, the words "for any period exceeding three consecutive months" be omitted.

I would like to make a verbal alteration because the language does not appear to be quite proper. The language has not been properly drafted, and I think it ought to be altered to "if he has without permission of the Board, been absent for more than three consecutive months."

Mr. L. R. FAWCUS: Put that way we have no objection.

Khan Bahadur Maulvi AZIZUL HAQUE: May I know how the amendment stands?

Maulvi SYED MAJID BAKSH: Yes. It reads: "If he has without permission of the Board been absent for more than three consecutive meetings of the Board."

The motion that in clause 23(*1*)(*c*), lines 2 to 4, for the words "the meetings of the Board for any period exceeding three consecutive months or from more than three consecutive meetings" the words "three consecutive meetings of the Board" be substituted was put and agreed to.

The motion that clause 23, as amended, stand part of the Bill was then put and agreed to.

Clause 24.

The motion that clause 24 stand part of the Bill was put and agreed to.

Clause 25.

The motion that clause 25 stand part of the Bill was put and agreed to.

Clause 26.

Mr. L. K. PAWCUS: I beg to move that in sub-clause (*a*) in lines 3 and 4 of clause 26, for the words "charged to temporary work" the words "directly charged to work" be substituted.

This is really a technical question depending on the use of these words in the Irrigation Department. The object is that when any particular work is being carried, it should be left to the Executive Officer in charge of that work to appoint the staff solely required for that work, and it is therefore preferable that the expression normally in use, namely, "directly charged to work" should be adopted, particularly as it is quite possible that some of the work which will be done by that staff will be of a permanent nature.

The motion was put and agreed to.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that for the proviso to clause 26(*a*) the following be substituted, namely:—

"Provided that the Board shall—

(*i*) maintain an adequate engineering staff under a Chief Engineer, and

(*ii*) maintain a properly equipped hydraulic research laboratory and a staff of properly qualified scientists for the study of the physics of the great rivers of Bengal, either independently or in collaboration with any other body or authority."

The object of my amendment firstly is this; that it provides that there should be an engineering staff under a Chief Engineer and not one Executive Engineer to be designated as the Waterways Engineer. Looking at clause 42(*2*) of the Bill you will find that so far as clause (*1*) is concerned, the Board is to take charge of machinery, tools, dredgers, etc. That is the thing which they must do.

The next thing is with regard to navigable channels; and with regard to that it is stated in the Bill that "The Local Government may by notification declare which of the navigable channels as defined in the Bengal Irrigation Act, 1876, and the navigation works and the lands, buildings, locks, sluices and other works appertaining thereto held by or under the control or administration of the Local Government shall, for the purposes of this Act, be maintained, controlled and administered by the Board." It is a problem what

channels are going to be vested in the Board. It may be that owing to financial stringency and of uncertainty of funds the Government may merely make over the charge of the channel which leads from Calcutta to Eastern Bengal. Well, that would not be a charge requiring a Chief Engineer and an Executive Engineer as well. On the contrary if the charge embraces all the rivers of Bengal they may require a much larger staff. I want the clause to be elastic so that Government may adjust the staff with reference to the volume of the charge. I do not say that there should not be one Chief Engineer and one or two Executive Engineers, but I say that there should be adequate engineering staff under a Chief Engineer, who will have to determine with reference to the circumstances the staff required at any time.

The next thing I suggest is that "the Board should also maintain a properly equipped hydraulic research laboratory and a staff of properly qualified scientists for the study of the physics of the great rivers of Bengal, either independently or in collaboration with any other body or authority." I do not want to take the time of the Council by dealing exhaustively with the question of hydraulic research, but I would refer the members who are interested in the matter to the valuable article written by the great scientist, Dr. Meghnath Shaha, on the hydraulic research of great rivers——

Maulvi SYED MAJID BAKSH: What would become of smaller rivers?

Dr. NARESH CHANDRA SEN GUPTA: Smaller rivers have got to be fed by the larger rivers. Unless you got knowledge by the hydraulic research of larger rivers, any attempt to deal with small rivers, I believe, would land you in failure, as so many irrigation projects of Bengal have landed the Government in failure. I draw the attention of the members to the very excellent article on the need of hydraulic laboratories in Bengal by Dr. Megnath Shaha who is not only a Fellow of the Royal Society but was associated with the work of relief on the occasion of the floods. I do not want to go into the details of this matter. I would only draw attention of the members to a few extracts from the article. Dr. Shaha quotes the following from the work of Sir F. Spring:—

"As trustees of so fine a property as this—canals and railways, it might not unreasonably be expected that the State would see the importance of devoting a comparatively small annual appropriation to original research, on lines likely to be productive of a good return for the expenditure, in the form either of reduction in the first cost of its public works or of their safety and their economical upkeep

when built. Heretofore, there has been no pretence of organising any such research in connection with the engineering of the canals and railways of India. Engineers have gone on blundering, benefiting, rather by chance than by design, by the experience of their predecessors, and each considering himself lucky if he escapes disaster at the hands of the tremendous forces of nature—amongst which some of the most potent for good or evil are the great rivers—with which he has to struggle."

Dr. Shaha goes into the question of hydraulic research which will give us proper guidance in regard to works to be done not only in connection with great rivers but also with small rivers; because in dealing with small rivers we have got to have an adequate idea of the water coming from the great rivers and how it is to be distributed. I will read another extract from another book on the subject by Freeman who in his introduction to hydraulic laboratory practice says:—

"Last summer, at Karlsruhe, I was told that with each practical problem that had been taken into their river—structure laboratory the saving in instructural cost due to the information thus gained had been more than equal to the entire cost of laboratory building, apparatus, and research. At Charlottenburg, and elsewhere, I gathered that laboratory research with the aid of small models had been similarly profitable."

And then, Sir, "millions and millions of dollars have been saved by the researches carried on in America."

Maulvi SYED MAJID BAKSH: Is it the river Mississippi which is menticned here.

Dr. NARESH CHANDRA SEN GUPTA: If the hon'ble member wants to contradict me or criticise me he had better read this book. I am not going to read to him the whole of this thing. Scientific research has been undertaken in Germany. It has been undertaken with regard to the Mississippi. It has also been undertaken in India with regard to the rivers of the Punjab where the department of Government concerned is carrying on research work. It cannot be said that the researches carried on there will be a source of guidance to the Bengal rivers. If you want to avoid blunders it is best that you should start scientific researches as I have suggested. I shall only add this: this is not a costly affair. Dr. Meghnath Shaha estimates that it will amount to an initial expenditure of Rs. 5 lakhs on a River Physics Laboratory and a recurring expenditure of about a lakh of rupees only. That is not too much to maintain a scientific study

of the rivers in order to guide the body which is in charge of the rivers with regard to the training of the rivers and with regard to the digging of new channels and opening up of old rivers. All this can be done with the aid of these scientific researches. (KHAN BAHADUR MAULVI AZIZUL HAQUE: What is meant by the physics of the great rivers?) The physics of great rivers means the scientific study of the forces which go to regulate the course of those rivers and the distribution of the water of those rivers. (MAULVI SYED MAJID BAKSH: Will he include watercourses? There are no great rivers.) I remember now that Maulvi Syed Majid Baksh started an opposition to one of my motions by saying that no scientific research is necessary for dealing with rivers. Well, Sir, there are great engineers who have landed us in absurd burdens which we all deplore. Sir, he wanted to put into my mouth that I suggested that we should first carry on researches in great rivers before we deal with little rivers. Nothing of the sort. I suggested that we should not be led blindfold. We should proceed on a scientific basis and we should not forget the lesson which we recently learnt in connection with the Sara bridge. I want that the money which we spend on the Waterways Board should be utilised to yield the utmost benefit and for this purpose this laboratory will be most useful. And the cost of the laboratory being only Rs. 5 lakhs I do not think it is at all prohibitive. Then, I have suggested that it is not necessary that the Board should maintain a laboratory themselves: they may do so in collaboration with the University. Besides, Sir, Government should assist in the maintenance of this laboratory. Before the great rivers of Bengal are handled they should be properly studied in a hydraulic research laboratory, and until that is done we should not try to meddle with great rivers. We can deal with small rivers but not with great ones. I submit that the case for the provision of a hydraulic research laboratory is not going to hold up a small project on which Maulvi Syed Majid Baksh has set his heart. I think, Sir, the case for a hydraulic research laboratory is very urgent and absolutely necessary.

Mr. L. R. FAWCUS: Sir, Government are prepared to meet the rather comprehensive demands of Dr. Sen Gupta by a single change in the proviso to section 26(*a*). For the words as they are there at present we would substitute "Provided that the engineering staff of the Board shall include a Chief Engineer, and an adequate staff including one or more executive engineers to be designated Waterways Executive Engineers." We cannot promise that such an expensive item as a hydraulic research laboratory will at present be maintained, though it may well be helpful in the future to maintain such a laboratory. All that we can do is to promise the maintenance of an adequate engineering staff and I think by doing so we are going as far as we possibly can.

Mr. PRESIDENT: I think you had better move an amendment to that effect in your name.

Mr. L. R. FAWCUS: My suggestion, Sir, amounts to small change in the proviso to clause 26(*a*).

Mr. PRESIDENT: If Dr. Sen Gupta is satisfied, he may withdraw his amendment and Mr. Fawcus may move his amendment; or would Dr. Sen Gupta move it in his own name?

Dr. NARESH CHANDRA SEN GUPTA: I do not mind if it is moved in the name of Mr. Fawcus, but I should like to see what the amendment is like.

As Dr. Sen Gupta saw the amendment drafted by Mr. Fawcus and expressed his disapproval of it his own motion No. 140 was then put and lost.

The motion that clause 26, as amended, stand part of the Bill was put and agreed to.

The motion that clause 27 stand part of the Bill was put and agreed to.

Clause 28.

Maulvi ABUL QUASEM: I beg to move that in clause 28(*a*), line 3, for the words "three hundred" the words "one hundred and fifty" be substituted.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Sir, to save time, may I say at this stage that I am prepared to accept the amendment.

The motion was put and agreed to.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that in the proviso to clause 28(*b*), line 1, after the word "servant," the words "not being a menial" be inserted.

I also beg to move that in the proviso to clause 28(*b*), in lines 1 to 3, the words "holding a post the maximum monthly pay of which exceeds one hundred rupees" be omitted.

Sir, this proviso to clause 28(*b*) deals with the right of appeal of servants of the Board. Here it is proposed that only those officers and servants who get a maximum salary of Rs. 100 or more will have the right of appeal to the Board. That does not seem to me to be reasonable. I think all servants except menials should be given this

right of appeal. There will be no harm if these people are given this right of appeal against the order of dismissal passed on them by the Chairman.

Khan Bahadur Maulvi AZIZUL HAQUE: May I ask the Hon'ble Member through you, Sir, to consider whether or not it will be necessary, in view of the amendment which has just been accepted, to make a consequential amendment in the proviso also. We have just accepted an amendment saying that the Chairman shall be able to suspend, dismiss or reduce an officer whose pay does not exceed Rs. 150 and not Rs. 300, yet in the proviso it is laid down that those whose pay exceeds Rs. 100 may appeal to the Board. In view of the acceptance of the amendment restricting the power of the Chairman to dismiss, reduce or suspend officers and servants whose pay does not exceed Rs. 150, I think that this proviso too requires looking up.

Therefore, with your permission, I move by way of amendment that in the proviso to clause 28(*b*), lines 2 and 3, for the words "one hundred rupees" the words "fifty rupees" be substituted.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I accept the amendment of Khan Bahadur Azizul Haque.

The amendment of Khan Bahadur Azizul Haque was then put and agreed to.

The amendment of Maulvi Tamizuddin Khan was then put and agreed to.

The question that clause 28, as amended, stand part of the Bill was put and agreed to.

Clause 29.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that clause 29 be omitted.

Sir, the clause says that the creation or abolition of any post the maximum monthly pay of which exceeds Rs. 1,000,

(*b*) all rules made under clause (*b*) or clause (*c*) of section 27, and

(*c*) all orders passed by the Board under section 28 and relating to any officer appointed to hold a post the maximum monthly pay of which exceeds one thousand rupees, except orders granting leave to or suspending any such officer,

shall be subject to the previous sanction of the Local Government.

My only reason for suggesting this amendment is that Government ought to have a little faith in the Board which is going to be constituted. It ought not to start with suspicion from the beginning.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Sir, I oppose this amendment.

The motion was put and lost.

Maulvi ABDUL HAMID SHAH moved that in clause 29(*a*), line 3, for the words "one thousand" the words "five hundred" be substituted.

He addressed the Council in Bengali.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Sir, I think it will save the time of the House if I say at once that I accept the amendment.

The motion was put and agreed to.

Maulvi ABDUL HAMID SHAH moved formally that in clause 29(*c*), line 4, for the words "one thousand" the words "five hundred" be substituted.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Sir, I accept the amendment.

The motion was put and agreed to.

The motion that clause 29, as amended, stand part of the Bill was put and agreed to.

The motion that clause 30 stand part of the Bill was put and agreed to.

Clause 31.

Maulvi ABUL QUASEM: Sir, I formally move that in proviso (*a*) to clause 31(*1*), lines 2 and 4, for the words "offices carrying a pay of more than one hundred rupees per mensem" the words "any office the maximum monthly pay of which exceeds fifty rupees" be substituted.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Sir, I accept the amendment.

The motion was put and agreed to.

The motion that clause 31, as amended, stand part of the Bill was put and agreed to.

Clause 32.

Maulvi ABUL QUASEM: Sir, I beg to move that in clause 32(*2*), line 2, for the words "two other" the word "three" be substituted.

Sir, it is being made obligatory upon the Chairman to call a meeting on the requisition of two Trustees. I think this is quite an insufficient number and I suggest that three members at least should join in the requisition to call a special meeting.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to oppose this amendment as it is undemocratic. My friend wants to raise the number from two to three, so that without three members joining in the requisition there cannot be any meeting.

Mr. L. R. FAWCUS: This clause is based on the Calcutta Improvement Trust Act and there seems no reason to change it.

The motion was then, by leave of the Council, withdrawn.

The motion that clause 32 stand part of the Bill was put and agreed to.

Clause 33.

The motion that clause 33 stand part of the Bill was put and agreed to.

Clause 34.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I beg to move that after sub-clause (*2*) of clause 34, the following proviso be added, namely:—

"Provided that if a quorum is not present within half an hour after the time appointed for a meeting, or at any time during a meeting, the meeting shall stand adjourned to some future day to be appointed by the Chairman. At such adjourned meeting or at any subsequent adjourned meeting at which the same business is to be transacted, the Chairman and two other Trustees present shall form a quorum."

This is self-explanatory and so I need not say anything.

The motion was put and agreed to.

The motion that clause 34, as amended, stand part of the Bill was put and agreed to.

New clause 34A.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to move that after clause 34, the following be inserted, namely:—

"34A. (*1*) Once every year the Chairman of the Board shall convene a conference of District Magistrates, Divisional Commissioners, Chairman of the District Boards, Chairmen of riparian municipalities, the members of the Board and selected representatives of the various economic interests affected by the operations of the Board.

(*2*) Before such conference the Chairman shall place the annual report and accounts of the Board and also the budget and the programme of work for the next year for discussion by members of the conference.

(*3*) Resolutions passed at the conference shall be forwarded to the Local Government along with the Report and the accounts of the Board and the Local Government shall have the power to require the Board to give effect to such of the resolutions of the conference as the Local Government thinks fit."

Sir, after the fate of my scheme with regard to the constitution of the Board which has been thrown away by this Council this is the last appeal which I am making to the House. Let people have a little of their say with regard to the affairs of the Waterways Board. I am suggesting that every year there shall be a conference, a sort of a general meeting of the shareholders, because the people of Bengal would stand in the position of shareholders of a commercial concern. I am suggesting that once every year the Chairman of the Board shall convene a conference of District Magistrates, Divisional Commissioners, Chairmen of District Boards, Chairmen of riparian municipalities, members of the Board and selected representatives of the various economic interests affected by the operations of the Board. I do not say that this will be a legislative body. I do not suggest that this should have any control over the Board. I am only suggesting that it should be a conference of all persons who may be interested in the operations of the Board. All that I want is that the Chairman will place before the conference all that has been done by the Board and all that the Board is going to do next year. I do not suggest that the conference may pass binding resolutions: I suggest that the conference may pass resolutions and that those resolutions may be forwarded to the Local Government, and that the Local Government shall have the power of accepting or rejecting them. Well, Sir, the Local Government has taken upon itself the right to veto any project of the Waterways Trust if it is detrimental to the sanitation of the province or is adverse to the interests of the agriculturists. This conference will be

able to advise Government as regards public opinion in the matter, and various economic interests and other persons who will be affected by the project before the Board. There could be no possible objection to the holding of such a conference. It is not a conference of the people alone: it is a conference of all kinds of officials and people interested in the well-being and good administration of the country. My idea is that they will put their heads together and advise the Local Government, and that if the Local Government finds that the resolutions passed at such conferences are worth considering, it will inquire into the matter and give effect to such of the resolutions as commend themselves to it.

Well, Sir, I have been asked: "What about the cost?" To this question I would reply what about the cost of the hundreds of conferences which are held for nothing? The kind of conference which I have suggested is of more importance than many abortive ones: at least they will not be futile in character. Now, to come to the question of costs. I submit, Sir, that the cost of such conferences will not be much. I myself have some experience of conferences, and I can say without any fear of contradiction that the cost of such a conference will not exceed the cost of a meeting of the Dacca University Court, with which I am quite familiar. The cost will not, in any case, be anything like what the Government squanders on far less useful matters. I estimate that the cost would be very small, say not exceeding rupees two to three thousand. In lieu of this small cost, the Government would be able to have the view of all persons interested in the question —especially, of people representing the other point of view, *i.e.*, the non-technical people. These non-technical people will be able to bring to bear fresh points of view on the subject. I do not see why Government should oppose this innocuous amendment of mine.

Sir, with these few words I submit my motion for the acceptance of the House.

Mr. L. R. FAWCUS: Sir, I am afraid that the suggestion of Dr. Naresh Chandra Sen Gupta will in effect provide for a gigantic committee of the nature of a Standing Committee of this House in respect of a particular department of Government. But there is this difference, namely, that the majority of the members of a Standing Committee are generally present in Calcutta when it sits, whereas if Dr. Sen Gupta's proposal is accepted, most of the members of his conference will have to be called in from the *mufassal*. Every Divisional Commissioner, every District Magistrate, every Chairman of the District Board and many other officers as well will have to be called away from their jurisdictions or spheres of work. I submit, Sir, that

the expense will not only be large, but considerable administrative inconvenience will be entailed by these officers leaving their head-quarters. I think, Sir, that these two considerations—especially the last one—are sufficient to deter Government from accepting the proposal.

Sir, I oppose the motion.

The motion was then put and lost.

Clause 35.

Maulvi ABUL QUASEM: Sir, I beg to move that in clause 35(*1*), line 2, the words "any of" be omitted.

Sir, the clause stands thus:—

"The Board may from time to time appoint committees, consisting of such persons of any of the following classes as they may think fit, namely:—

(*i*) Trustees,

(*ii*) Members of district committees,

(*iii*) Other persons whose assistance, or advice the Board may desire:

Provided that no committee shall consist of less than three persons."

I want to know that, according to the wording of the clause, whether members from any of these three classes can be chosen excluding the other two classes. The amendment does not seem to be happily worded and the meaning of it is not also clear. It is with a desire to see that members from the three classes are chosen that I have put forward this amendment. I think, Sir, the meaning should be made quite clear, and with that end in view I have suggested the omission of the words "of any".

Mr. L. R. FAWCUS: Sir, the matter entailed is perhaps one of grammar. The intention of Government is that the Board should appoint to the committees persons of any of the classes specified in the clause whereas the deletion of the words proposed by the mover would in strict English compel the Board to appoint members of all the classes. (MAULVI ABUL QUASEM: Not necessarily.)

I, therefore, oppose it.

The motion was put and lost.

Clauses 35 and 36.

MR. PRESIDENT: The motion before the House is that clauses 35 and 36 stand part of the Bill.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m. on Friday, the 9th February, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 9th February, 1934, at 3-18 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the three Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 76 nominated and elected members.

Mr. PRESIDENT: Gentlemen of the Council, a great calamity has befallen us in the sudden death of the Leader of the House. I am much too overpowered to be able to say anything more than this to-day.

The Council stands adjourned until 3 p.m. on Tuesday, the 13th February, 1934, which His Excellency has fixed as the next meeting day of the Council.

Adjournment.

The Council was then adjourned till 3 p.m. on Tuesday, the 13th February, 1934, at the Council House, Calcutta.

B. G. Press—1934-35—63A—550.

Index to the

Bengal Legislative Council Proceedings.

(Official Report.)

Vol. XLIII—No. 2—Forty-third Session.

31st January to 1st February and 5th to 9th February, 1934.

(Q.) Stands for question.

(S. Q.) Stands for supplementary question.

Adjournment : 69, 130, 176, 225, 273, 326, 327.

Ali, Maulvi Hassan

Anti-malarial societies in Bankura : (S. Q.) 132.

Bengal Criminal Law Amendment Bill, 1934 : 48.

Bengal Waterways Bill, 1934 : 241, 249.

Premiums on life insurance policies held by detenus : (Q.) 134.

Amendments to Standing Orders : 140-166.

Armstrong, Mr. W. L.

Bengal Criminal Law Amendment Bill, 1934 : 129.

Attendance of members : 43, 71, 131, 177, 225, 274, 327.

Baksh, Maulvi Syed Majid

Bengal Criminal Law Amendment Bill, 1934 : 122-125.

Bengal Waterways Bill, 1934 : 258, 265, 314, 316-317.

Distress in Jessore : (Q.) 178, 180.

Distribution of quinine in Bankura : (Q.) 19.

Malaria in the Bankura district : (Q.) 228-229.

Professors of Tropical School of Medicine : (S. Q.) 181.

Sale of *jotes* in certain *khas mahals* of the Chittagong district for arrears of rents : (S. Q.) 73.

Baksh, Maulvi Syed Majid *contd.*

Sale of *mahals* in Chittagong for default of revenue : (S. Q.) 75.

Banerji, Mr. P.

Amendments to Standing Orders : 156.

Bengal Criminal Law Amendment Bill, 1934 : 39-42, 127-128.

Bengal Waterways Bill, 1934 : 240.

Howrah Bridge : (S. Q.) 77-78.

Process-servers of Mymensingh Criminal Courts : (Q.) 186.

Bankura

Anti-malarial societies in : (Q.) 131-132.

District. Malaria in the : (Q.) 227-229.

District. Realisation of revenue from certain non-existent estates in : (Q.) 229-230.

Distribution of quinine in : (Q.) 17-19.

Irrigation works in : (Q.) 21-22.

Bannerjee, Babu Jitendralal

Bengal Criminal Law Amendment Bill, 1934 : 116-118, 120-123.

Classification of convict Bishwa Ranjan Sen : (S. Q.) 81.

Constitution of Garden Reach Municipality : (Q.) 132-133.

Bolirhat subdivision

Muhammadan presidents of the unions in : (Q.) 186.

Basu, Babu Jatindra Nath

Bengal Criminal Law Amendment Bill 1934 : 48-49.

Bengal Waterways Bill, 1934 : 243.

Basu, Mr. Narendra Kumar

Allegations of oppressions in Midnapore : (S. Q.) 278-280.

Amendments to Standing Orders : 140, 142, 151, 153, 155, 159, 161-163.

Bengal Waterways Bill, 1934 : 194, 213-214, 239, 241-243, 246, 253, 259, 268, 284, 290.

Ceremonial parade at Tamluk by K. R. R. Battalion : (S. Q.) 274-275, 277.

Distress in Jessore : (S. Q.) 180.

House searches at Midnapore in connection with the murder of Mr. Burge : (S. Q.) 281.

Bengal Criminal Law (Amendment) Bill, 1934 : 30, 33, 39, 43, 45-46, 49, 93, 118-120, 127.

Howrah Bridge : (S. Q.) 77-78.

Malaria in the Bankura district : (S. Q.) 229.

Sradh ceremony of the mother of detenu Babu Romesh Chandra Chowdhury : (S. Q.) 24.

Bharasangu-Peshkarhat

Khal Scheme : (Q.) 19.

Bill

Bengal Criminal Law Amendment, 1934 : 30-69, 84-130.

Introduction of : 30.

Reference to a Select Committee of : 33.

Bengal Waterways, 1933 : 168-176, 187-225.

Motion to take into consideration the—as reported by the Select Committee : 168.

Recommittal of the—to the Select Committee : 187.

Calcutta Port Amendment, 1934 : 166-168.

Motion to pass—as settled in Council : Agreed to : 168.

Birkmyre, Mr. H.

Bengal Waterways Bill, 1934 : 261.

Bishnupur Zemindari : (Q.) 73.

Bose, Mr. S. M.

Amendments to Standing Orders : 148, 159.

Bengal Waterways Bill, 1934 : 193, 242-288.

Electric supply to the suburban areas of Calcutta : (S. Q.) 84.

Special motion under section 78A : 166.

Burge, Mr.

House searches at Midnapore in connection with the murder of : (Q.) 280-281.

Burman, Babu Premhari

Sworn in : 13.

Calcutta

Electric supply to the suburban areas of : (Q.) 83-84.

Chaudhuri, Babu Kishori Mohan

Bengal Waterways Bill, 1934 : 192.

Public Works Department contract works : (Q.) 20.

Chittagong

Chemical Industries Co., Ltd. : (Q.) 24-25.

District for arrears of rents, sale of *jotes* in certain *khas mahals* of : (Q.) 72-73.

Expenditure on irrigation schemes in : (Q.) 16-17.

Sale of *mahals* in, for default of revenue : (Q.) 74-75.

Chowdhury, Babu Romesh Chandra

Detenu. *Sradh* ceremony of the mother of : (Q.) 22-24.

Chowdhury, Babu Satish Chandra Ray

Sradh ceremony of the mother of Detenu. Babu Ramesh Chandra Chowdhury : 22.

Chowdhury, Haji Badi Ahmed

Bharasangu-Peshkarhat Khal Scheme : 19.

Chittagong Chemical Industries Co., Ltd. : (Q.) 24.

Expenditure on irrigation schemes in Chittagong : 16-17.

Remission of rents of Noabad *taluks* : 76.

Sale of *jotes* in certain *khas mahals* of the Chittagong district for arrears of rents : 72.

Sale of *mahals* in Chittagong for default of revenue : 74-75.

Chowdhury, Maulvi Abdul Ghani

Ahsanullah School of Engineering : 27.

Ahsanullah School of Engineering, Dacca : 83.

Contract works

Public Works Department : 20.

Court of wards and khas mahal estates : (Q.) 27.

Dacca

Ahsanullah School of Engineering : (Q.) 27, 83.

Dain, Mr. G. R.

Amendments to Standing Orders : 150, 153.

Bengal Waterways Bill, 1934 : 219, 220.

Financing road development schemes by means of loans : 79.

Das, Detenu Nirmal Chandra : (Q.) 81-82.

Das, Rai Bahadur Kamini Kumar

Bengal Criminal Law Amendment Bill, 1934 : 56.

Das, Rai Bahadur Satyendra Kumar

Amendments to Standing Orders : 148, 155, 162.

Bengal Waterways Bill, 1934 : 190, 244, 247, 250.

Financing road development schemes by means of loans : (S. Q.) 80.

Preparation of detailed plans and estimates for works costing over Rs. 10,000 by Engineers employed by local authorities : (Q.) 227.

Debi, Detenu Srimati Bimal Prativa : (Q.) 136-137.

And her daughter's marriage : 135-136.

In the Hijli Jail : 134-137.

Detenu Nirmal Chandra Das : (Q.) 81-82.

Detenus.

Premia on life insurance policies held by : (Q.) 134.

Division(s)

Amendments to Standing Orders

Omission of clause (i) (a) and (i) (b) lost, 39 to 49 votes : 152.

Recommittal to Select Committee lost, 12 to 56 : 143.

Bills

Bengal Criminal Law Amendment—, 1934.

Circulation for eliciting public opinion lost, 21 to 83 votes : 128-129.

Bengal Waterways Bill, 1933.

Addition of "The Director of Public Health, Bengal" after clause 5 (b) lost, 23 to 37 : 224-225.

Omission of clause 5 (b) lost, 19 to 38 : 223-224.

Insertion of "(h) two representatives of the district committees as constituted under section 49A of the Act" after the clause 5 (g), lost, 18 to 43 : 296.

Omission of the words beginning with "of whom one" and ending with "jurisdiction of the board," lost, 26 to 47 : 292.

Substitution of the word "five" for the word "two" in clause 5 (f), lost, 30 to 58 : 258.

Substitution of "(e) two Indian members of the Bengal Legislative Council" for clause 5 (e), lost, 11 to 64 : 269-270.

"Substitution of two members of the Bengal Legislative Council" for clause 5 (e) carried, 60 to 8 : 270.

Division(s)—*concld.*

Substitution of the word "non-officials" for the word "persons" in clause 5 (*g*), line 1, lost, 28 to 45 : 291.

Substitution of the words "two thousand" for the words "two thousand five hundred" in clause 17 (*1*), line 2, lost, 20 to 46 : 308.

Dutt, Mr. G. S.

Sworn in : 226.

Farequi, The Hon'ble Nawab K. G. M., Khan Bahadur.

Public Works Department contract works : (Q.) 20.

Special motion under section 78A : 163, 165.

Fawcus, Mr. L. R.

Bengal Waterways Bill, 1933 : 216, 239, 242, 253, 272, 299, 300-302, 309-310, 314-315, 318-319, 322, 324-325.

Special motion under section 78A : 166.

Faziullah, Maulvi Muhammad.

Court of wards and *khas-mahal* estates : (Q.) 27.

Ferguson, Mr. R. H.

Bengal Criminal Law (Amendment) Bill, 1934 : 102.

Financing

Road development schemes by means of loans : (Q.) 78-80.

Gangamandal estates by Official Receiver

Management of : (Q.) 15-16.

Garden Reach Municipality

Constitution of : (Q.) 132-133.

Ghose, Dr. Anuiya Ratan

Detenu Srimati Bimal Prativa Debi : (Q.) 136.

Detenu Srimati Bimal Prativa Debi and her daughter's marriage : (Q.) 135.

Detenu Srimati Bimal Prativa Debi in the Hijli Jail : (Q.) 134.

Irrigation works in Bankura : (S. Q.) 21.

Ghuznavi, The Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dilduar

Bengal Waterways Bill, 1933 : 168, 172, 201, 203, 207, 209, 212-213, 216, 222, 240-246, 248-252, 256, 259-260, 268, 289, 291, 293, 295, 298-299, 303-304, 307-308, 311-313, 319-322.

Bharasang-Peshkarhat Khal Scheme : (Q.) 19.

Expenditure on irrigation schemes in Chittagong : (Q.) 17.

Irrigation works in Bankura : (Q.) 21-22.

Guha, Mr. P. N.

Bengal Waterways Bill, 1933 : 220.

Gupta, Mr. J. N.

Bengal Criminal Law Amendment Bill, 1934 : 85.

Bengal Waterways Bill, 1933 : 264.

Hakim, Maulvi Abdul

Bengal Waterways Bill, 1933 : 305, 311.

Muslim prisoners in the Mymensingh Jail : (Q.) 71.

Taluk Newazali in Mymensingh : (Q.) 137-138.

Taluk Nuramisa in Mymensingh : (Q.) 138.

Haque, Khan Bahadur Maulvi Azizul

Anti-malarial societies in Bankura : (S. Q.) 132.

Bengal Criminal Law Amendment Bill, 1934 : 98.

Bengal Waterways Bill, 1933 : 194, 208-209, 217, 251-252, 254, 292-293, 300-301, 303-304, 310-312, 314, 320.

Financing road development schemes by means of loans : (S. Q.) 79.

Special motion under section 78A : 165.

High Court Rule Committee : (Q.) 234-235.

High Schools

Dutenu Srimati Bimal Prativa Debi in the : (Q.) 134-135.

Hoque, Kazi Emdadul

Bengal Waterways Bill, 1933 : 250, 259, 306.

Estate of Bashatti pargana in Rangpur : (Q.) 181-183.

Realisation of agricultural loans from the Gaibandha and Kurigram subdivisions in Rangpur : (Q.) 184-185.

Water-works of the Rangpur union boards : (Q.) 230, 232, 234.

Hossain, Nawab Musharruf, Khan Bahadur

Amendments to Standing Orders : 145, 158.

Bengal Criminal Law Amendment Bill, 1934 : 94.

Bengal Waterways Bill, 1933 : 221, 267, 288.

Hossain, Maulvi Muhammad

Process-servers : (Q.) 28.

Howrah Bridge : (Q.) 76-78.

Huq, Mr. A. K. Fazl-ul

Bengal Criminal Law Amendment Bill, 1934 : 57-59.

Irrigation schemes in Chittagong

Expenditure on : (Q.) 16-17.

Irrigation works

In Bankura : (Q.) 20-21.

Jessore

Distress in : (Q.) 178-180.

Jummatul Alwada

Holiday for : (Q.) 25-26.

Karim, Maulvi Abdul

Constitution of Garden Reach Municipality : (S. Q.) 133.

Kasem, Maulvi Abul

Holiday for Jummatul Alwada : (S. Q.) 26.

Khan, Maulvi Tamizuddin

Amendments to Standing Orders : 143-144, 153, 155, 161.

Bengal Waterways Bill, 1933 : 266, 297, 302, 312, 319, 322.

Khas mahal estates

And court of wards : (Q.) 27.

Khulna

Trenching ground in Sonadanga in : (Q.) 185-186.

Mace

Introduction of : 13-14.

Maiti, Mr. R.

Allegation of oppressions in Midnapore : (Q.) 277.

Bengal Criminal Law Amendment Bill, 1934 : 112.

Ceremonial parade at Tamluk by K. R. R. Battalion : (Q.) 274-275.

House searches at Midnapore in connection with the murder of Mr. Burge : (Q.) 280.

Members

Attendance of : 13, 71, 131, 177, 236, 274, 327.

McCluskie, Mr. E. T.

Professors of Tropical School of Medicine : (Q.) 181.

Midnapore

Allegation of oppressions in : (Q.) 277-280.

House searches at—in connection with the murder of Mr. Burge : (Q.) 280-281.

Speech of the Commissioner of Burdwan Division at the Durbar held at : (Q.) 283-284.

Miller, Mr. C. C.

Bengal Criminal Law Amendment Bill, 1934 : 107.

Mitter, The Hon'ble Sir Provash Chunder

Bishnupur Zemindary : (Q.) 73.

Classification of certain prisoners : (Q.) 29-30, 127.

Classification of convict Bishwa Ranjan Sen : (Q.) 80-81.

Court of wards and *khas-mahal* estates : (Q.) 27.

Distress in Jessore ; (Q.) 178-180.

Estate of Bashatti pargana in Rangpur : (Q.) 182-184.

Management of the Gangamandal estates by Official Receiver : (Q.) 15-16.

Muslim prisoners in the Mymensingh Jail : (Q.) 71.

Partition of Gangamandal estate in Tippera : (Q.) 20-21.

Process-servers of Mymensingh Criminal Courts : (Q.) 187.

Publication of sale proclamation notices in local newspapers : (Q.) 83.

Realisation of agricultural loans from the Gaibandha and Kurigram subdivisions in Rangpur : (Q.) 184-185.

Realisation of revenue from certain non-existent estates in the Bankura district : (Q.) 230.

Remission of rents of Noabad *taluks* : (Q.) 76.

Sale of *jotes* in certain *khas mahals* of the Chittagong district for arrears of rents : (Q.) 72-73.

Sale of *mahals* in Chittagong for default of revenue : (Q.) 74-75.

Taluk Newazali in Mymensingh : (Q.) 137-138.

Taluk Nurunnisa in Mymensingh : (Q.) 138.

Momin, Khan Bahadur Muhammad Abdul

Bengal Criminal Law Amendment Bill, 1934 : 40, 59, 91, 93-94.

Bengal Waterways Bill, 1933 : 199, 208-209, 242, 264.

Professors of Tropical School of Medicine : (S. Q.) 181.

Sale of *jotes* in certain *khas mahals* of the Chittagong district for arrears of rents : (S. Q.) 72.

Mookerjee, Mr. Syamaprasad

Bengal Criminal Law Amendment Bill, 1934 : 103.

Muhammadan Presidents

Of the unions in Basirhat subdivision : (Q.) 139.

Muslim prisoners

In the Mymensingh Jail : (Q.) 7

Mymensingh Criminal Courts

Process-servers of : (Q.) 186-187.

Mymensingh Jail

Muslim prisoners in : (Q.) 71.

Mymensingh

Taluk Newazali in : (Q.) 137-138.

Taluk Nurunnisa in : (Q.) 138.

Nag, Babu Suklal

Classification of certain prisoners : (Q.) 28.

Classification of convict Bishwa Ranjan Sen : (Q.) 80.

Detenu Nirmal Chandra Das : (Q.) 81.

High Court Rule Committee : (Q.) 234.

Publication of sale proclamation notices in local newspapers : (Q.) 82-83.

Nandy, Maharaja Sris Chandra, of Kasimbazar

Electric supply to the Suburban areas of Calcutta : (Q.) 83.

Nazimuddin, the Hon'ble Mr. Khwaja

Ahsanullah School of Engineering, Dacca : (Q.) 27, 83.

Sub-Registrars, honorary duties performed by : (Q.) 139.

Sub-Registry offices of the 24-Parganas district : (Q.) 26.

Noabad taluks

Remission of rents of : (Q.) 76.

Oath or Affirmation

Babu Premhari Burman : 13.

Mr. G. S. Dutt, I.C.S. : 226.

Obituary Reference

Mr. Madhusudan Das of Orissa : 17.

Panel of Chairmen

For the Forty-third Session : 5.

Poddar, Seth Hunuman Prasad

Howrah Bridge : (Q.) 76.

Preparation of detailed plans and estimates

For works costing over Rs. 10,000 by engineers employed by local authorities : (Q.) 227.

President (the Hon'ble Raja Sir Manmatha Nath Ray Chaudhuri, Kt. of Santosh)

Observations by—

A member asking for a division should rise in his place in the right moment and ask for it clearly and loudly enough to be heard by the Chair : 130, 270.

A member is not allowed to make a second speech but may offer an explanation : 49.

A member may take exception to the speech made by another member, but he must leave aside names : 123.

A member should be careful in the choice of his words and should not give expression to any unworthy sentiment : 124.

Any attack on the Council is not allowed : 58.

If a case is *sub-judice* a member should not refer to it : 41.

The Chair is the sole judge as to whether the apology tendered is ample or not : 121.

The Mace stands for truth : 40.

The President may allow the Member in charge to make a statement in support of his bill as also the member who opposes it : 30.

Prisoners

Classification of certain : (Q.) 28-30.

Process-servers : (Q.) 28, 226.

Publication of sale proclamation notices

In local newspapers : (Q.) 82-83.

Public Works Department

Contract works : (Q.) 29.

Quasem, Maulvi Abul

Amendments to Standing Orders : 146, 160.

Anti-malarial societies in Bankura : (S. Q.) 132.

Bengal Waterways Bill, 1934 : 219 220, 242, 247-248, 253, 302, 319, 321-322, 325.

Distribution of quinine in Bankura : (S.Q.) 18.

Trenching ground in Sonadanga in Khulna : (Q.) 185-186.

Quinine in Bankura

Distribution of : (Q.) 17-19.

Rahman, Mr. A. F. M. Abdur-

Holiday for Jumatul Alwada : (Q.) 25.

Muhammadan presidents of the unions in Basirhat subdivision : (Q.) 130.

Sub-Registrars, honorary duties performed by : (Q.) 139.

Sub-Registry Offices of the 24-Parganas : (Q.) 26.

Rangpur

Estate of Bashatti *paryana* in : (Q.) 181-184.

Realisation of agricultural loans from Gaibandha and Kurigram subdivisions in : (Q.) 184-185.

Union boards. Waterways of the : (Q.) 230-224

Ray, Babu Amulyadhan

Amendments to Standing Orders : 140.

Bengal Criminal Law Amendment Bill, 1934 : 129.

Bengal Waterways Bill, 1933 : 212, 245, 296, 305.

Distress in Jessore : (S. Q.) 179.

Ray, Babu Khetra Mohan

Bengal Criminal Law Amendment Bill, 1934 : 52.

Bengal Waterways Bill, 1933 : 299, 301, 307.

Management of the Gangamandal estates by Official Receiver : (Q.) 15-16.

Partition of Gangamandal estate in Tippera : (Q.) 20-21.

Ray, Babu Nagendra Narayan

Process-servers : (Q.) 226.

Ray, Mr. Shanti Shekhareswar

Amendments to Standing Orders : 147.

Bengal Criminal Law Amendment Bill, 1934 : 67, 117, 119.

Bengal Waterways Bill, 1933 : 172, 261-262.

Ceremonial parade at Tamluk by K. R. R. Battalion : (S. Q.) 275-276.

Classification of certain prisoners : (S. Q.) 29-30.

Special motion under section 78A : 164-165.

Speech of the Commissioner of Burdwan Division at the Durbar held at Midnapore : (Q.) 283-284.

Ray Chowdhury, Babu Satish Chandra

Allegations of oppression in Midnapore : (S. Q.) 278-279.

Amendments to the Standing Orders : 148, 154, 158.

House searches at Midnapore in connection with the murder of Mr. Burge : (Q.) 281.

Recording the statement of important witnesses by investigating officers in heinous cases : (Q.) 281-282.

Reid, The Hon'ble Mr. R. N.

Allegations of oppressions in Midnapore : (Q.) 278-280.

Bengal Criminal Law Amendment Bill, 1934 : 30-31, 33, 41, 49, 125.

Ceremonial parade at Tamluk by K. R. R. Battalion : (Q.) 274-277.

Detenu Nirmal Chandra Das : (Q.) 82.

Detenu Srimati Bimal Prativa Debi : (Q.) 137.

Detenu Srimati Bimal Prativa Debi and her daughter's marriage : (Q.) 136.

Detenu Srimati Bimal Prativa Debi in the High Jail : (Q.) 135.

High Court Rule Committee : (Q.) 235.

House searches at Midnapore in connection with the murder of Mr. Burge : (Q.) 280-81.

Muhammadan presidents of the unions in Basirhat subdivision : (Q.) 139.

Premia on life insurance policies held by detenus : (Q.) 134.

Process-servers : (Q.) 28, 226.

Recording the statement of important witnesses by investigating officers in heinous cases : (Q.) 282.

Speech of the Commissioner of Burdwan Division at the Durbar held at Midnapore : (Q.) 283-284.

Sradh ceremony of the mother of detenu Babu Romesh Chandra Chowdhury : (Q.) 23-24.

Road development schemes

Financing by means of loans : (Q.) 78-80.

Roy, Mr. Sarat Kumar

Bengal Criminal Law Amendment Bill, 1934 : 88.

Bengal Waterways Bill, 1933 : 236.

Roy, the Hon'ble Sir Bijay Prasad Singh

Anti-malarial societies in Bankura : (Q.) 131-132.

Constitution of Garden Reach Municipality : (Q.) 133.

Distribution of quinine in Bankura : (Q.) 18-19.

Professors of Tropical School of Medicine : (Q.) 181.

Trenching ground in Sonadanga in Khulna : (Q.) 185-186.

Roy Choudhuri, Babu Hem Chandra

Amendments to Standing Orders : 146.

Bengal Criminal Law Amendment Bill, 1934 : 95-96.

House searches at Midnapore in connection with the murder of Mr. Burge : (S. Q.) 281.

Sabana, Babu Satya Kinkar

Anti-malarial societies in Bankura : (Q.) 131.

Bengal Criminal Law Amendment Bill, 1934 : 108.

Bishnupur Zemindari : (Q.) 73.

Distribution of quinine in Bankura : (Q.) 17-18.

Irrigation works in Bankura : (Q.) 21-22.

Malaria in the Bankura district : (Q.) 227-229.

Realisation of revenue from certain non-existent estates in the Bankura district : (Q.) 229-230.

Sale proclamation notices

Publication of—in local newspapers : (Q.) 82-83.

Samad, Maulvi Abdus

Bengal Waterways Bill, 1934 : 265.

Special motion under section 78A : 164.

Sen, Bishwa Ranjan

Classification of convict : (Q) 80-81.

Sen, Rai Bahadur Jogesh Chandra

Bengal Criminal Law Amendment Bill, 1934 : 115, 117.

Sen Gupta, Dr. Naresh Chandra

Allegations of oppressions in Midnapore : (S. Q.) 279-280.

Amendments to Standing Orders : 150, 157, 161.

Bengal Criminal Law Amendment Bill, 1934 : 63, 130.

Bengal Waterways Bill, 1933 : 172, 203, 208, 210, 214, 224, 256, 259, 262, 271, 288, 297-299, 301, 307, 309-310, 313-317, 319-320, 323.

Ceremonial parade at Tamluk by K. K. R. Battalion : (S. Q.) 277.

Estate of Bashatti pargana in Rangpur : (S. Q.) 184

House searches at Midnapore in connection with the murder of Mr. Burge : (S. Q.) 281.

Special motion under section 78A : 164.

Sradh ceremony of the mother of detenu Babu Romesh Chandra Chowdhury : (S. Q.) 24.

Shah, Maulvi Abdul Hamid

Bengal Waterways Bill, 1934 : 308, 321.

Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

Bengal Criminal Law Amendment Bill, 1934 : 84.

Bengal Waterways Bill, 1934 : 200, 235.

Special motion under section 78A

Regarding provision of funds for the grants of State aid in the shape of loans to industries : 163-166.

Speech

Of the Commissioner of Burdwan Division at the Durbar held at Midnapore : (Q) 283-284.

Sub-Registrars

Honorary duties performed by : (Q.) 139.

Sumner, Mr. S. R.

Bengal Waterways Bill, 1934 : 286.

Suhrawardy, Mr. H. S.

Bengal Waterways Bill, 1934 : 307.

Standing Orders

Amendments to : 140-166.

Tamluk

Ceremonial parade at—by K. R. R. Battalion : (Q) 274-277.

Thompson, Mr. W. H.

Bengal Criminal Law Amendment Bill, 1934 : 30, 40, 61.

Bengal Waterways Bill, 1934 : 187, 235.

Financing Road Development schemes by means of loans : (Q.) 78.

Tippera

Partition of Gangamandal estate in : (Q.) 20-21.

Townend, Mr. H. P. V.

Malaria in the Bankura district : (Q.) 228-229.

Preparation of detailed plans and estimates of works costing over Rs. 10,000 by engineers employed by local authorities : (Q.) 227.

Water-works of the Rangpur union board : (Q.) 231, 234.

Tropical School of Medicine

Professors of : (Q) 181.

24-Parganas district

Sub-Registry Offices of (Q) : 26.

Woodhead, The Hon'ble Mr. J. A.

Amendments to Standing Orders : 153, 155-157, 161-162.

Calcutta Port Amendment Bill, 1934 : 166, 168.

Chittagong Chemical Industries Co., Ltd., (Q.) 25.

Electric supply to the suburban areas of Calcutta : (Q.) 84.

Financing road development schemes by means of loans : (Q.) 78-80.

Holiday for Jummatul Alwada : (Q.) 26.

Howrah Bridge : (Q.) 77-78.

B. G. Press—1934-35—5617A—500.